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Environmental justice as a policy objective

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Signed: Date: 25 May 2010

In memory of Thomas Alexander McLauchlan (1939-2006)

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Abstract

Environmental justice was the subject of a Presidential Executive Order in the United States (US) in 1994, and since has been promoted for integration into sustainable development policy in the European Union (EU). As a concept environmental justice links social factors such as ethnicity or levels of income to equitable distribution of environmental quality, recognition and participation in environmental decision-making. This thesis examines the outcomes and implications of adopting environmental justice as a broad policy objective – by analysing the commitment made by the Scottish Executive from 2003-2007.

This thesis examines one tool held to contribute to the delivery of the policy objective environmental justice in detail, namely strategic environmental assessment (SEA). SEA applies to certain plans and programmes within all EU Member States. The promotion of environmental justice policy was charted by gathering details from environmental justice and SEA events. Interpretations of environmental justice by Scotland's public sector were evaluated by reviewing documents from the Scottish SEA process, July 2004 to November 2007. An analysis of 16 plans and programmes that had gone through the full SEA process was employed to discuss the generation of evidence of environmental justice within SEA, and the outcomes of SEA procedures.

This thesis finds that no direction was given about how SEA could contribute to its associated policy objective, environmental justice. A finding which indicates that such direction may be needed. Conversely, this thesis argues SEA is not an appropriate tool to take account of environmental justice. The dominant approach of generating evidence of environmental injustice, suggested for inclusion in SEA, leads to contestable outcomes. Local level environmental problems may be labelled as 'injustice' but environmental injustice at broader policy scales can not be objectively identified. This thesis concludes that promoting environmental justice as a general policy objective will always result in confusion about how this concept should be implemented.

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List of abbreviations

ABD	Aberdeenshire Council
AECOM	Name of Environmental Consultancy Firm
ASPE	Assistant Secretary for Planning and Evaluation
CASA	Name of Environmental Consultancy Firm
CBI Scotland	Confederation of British Industry Scotland
CEQ	Council on Environmental Quality
CHP	Combined Heat and Power
CNPA	The Cairngorms National Park Authority
CO_2	Carbon Dioxide
CoSLA	Convention of Scottish Local Authorities
CSD	The Centre for Sustainable Development, University of Westminster and the Law School, University of Strathclyde
DCLG	Department for Communities and Local Government (previously ODPM)
DEFRA	Department of the Environment, Food and Rural Affairs
DoENI	Department of the Environment (Northern Ireland)
DoH	Department of Health
DTA	David Tyldesley and Associates (Environmental consultancy)
DUP	Democratic Unionist Party (Northern Ireland)
EC	European Commission
EEA	European Environment Agency
EIA	Environmental Impact Assessment (of projects)
EIA Review	Environmental Impact Assessment Review (Academic journal)
ENDS	Environmental Data Services
EPUK	Environmental Protection United Kingdom
ERDC	Environment and Rural Development Committee (of the Scottish Parliament 2003-2007)
ERDF	European Regional Development Fund
ERDMS	Electronic Records and Document Management System
ERM	Environmental Resources Management (Environmental consultants)
ESRC	Economic and Social Research Council
EU	European Union
FoE	Friends of the Earth
FoE Report	Friends of the Earth Report
FoES	Friends of the Earth Scotland
FoI	Freedom of Information
GAO	United States General Accounting Office
GIS	Geographic Information System (also known as Geographical Information Systems)
GP	General Practioner
HEN	Healthy Environment Network
HIA	Health Impact Assessment
HM	Her Majesty's [Government]

HPA	Health Protection Agency
HRA	Human Rights Act
IAIA	International Association of Impact Assessment
ILM	International Legal Materials
IMD	Index of Multiple Deprivation
Indv	Individual People
LLM	Master of Law
LTS	Local Transport Strategy
LULU's	Locally Undesirable Land Uses
MEnvs	Master of Environmental Studies
MRC	Medical Research Council
MSc	Master of Science
MSP	Member of the Scottish Parliament
NEPA	National Environmental Policy Act
NI	Northern Ireland
NGO	Non-Governmental Organisation
NHS	National Health Service
NIQB	Northern Ireland Queen's Bench
NO_2	Nitrogen Dioxide
NPF	National Planning Forum
ODPM	Office of the Deputy Prime Minister (now DCLG)
OPSI	Office of Public Sector Information
PAS	Post Adoption Statement
PCB	Polychlorinated Biphenyl
pdf	Portable document format
PhD	Doctor of Philosophy
PM	Particulate Matter
PPS	Plans, programmes and strategies
QC	Queen's Council
RICS	The Royal Institute of Chartered Surveyors
RSPB	Royal Society for the Protection of Birds
SCIEH	Scottish Centre for Infection and Environmental Health
SDC	Sustainable Development Commission
SEA	Strategic Environmental Assessment
SEA Act	Environmental Assessment (Scotland) Act 2005
SEA Bill	Environmental Assessment (Scotland) Bill
SEA Directive	Directive 2001/42/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment
SEA Tool Kit	Strategic Environmental Assessment Tool Kit (SEA guidance prepared by the Scottish Executive and used by them and the Scottish Government)
SEDD	Scottish Executive Development Department
SEEG	Scottish Executive Environment Group
SEIS	Scottish Executive Information Service
SEPA	Scottish Environment Protection Agency
SEPAView	The Magazine of the Scottish Environment Protection Agency
SEPD	Scottish Executive Planning Department
SIMD	Scottish Index of Multiple Deprivation
SISTECH	Scottish Institute for Sustainable Technology (a non-profit organisation owned by Heriot Watt University and Scottish Enterprise)
SITLUM	Strathclyde Integrated Transport/Land-Use Model
SMES	Small and Medium Sized Enterprizes
SNH	Scottish Natural Heritage

SNP	Scottish National Party
SNIFFER	Scotland and Northern Ireland Forum for Environmental Research
SO_2	Sulphur Dioxide
SPICe	Scottish Parliament Information Centre
SPP	Scottish Planning Policy
SSN	Sustainable Scotland Network
STAG	Scottish Transport Appraisal Guidance
TAG	Transport Analysis Guidance
TEC	The Electoral Commission
TRL	Transport Research Laboratory
TSO	The Stationary Office
UCC	United Church of Christ
UK	United Kingdom
UNECE	United Nations Economic Commission for Europe
US	United States (of America)
USA	United States of America
USEPA	US Environmental Protection Agency
WCED	World Commission on Environment and Development
WGAEJ	Working Group on Access to Environmental Justice
WHO	World Health Organisation
WOSWG	West of Scotland Working Group
WWF	World Wide Fund for Nature

Notes on referencing

Where portable document format (pdf) documents are referenced in the text the document page number is listed and the pdf page number is included in square brackets e.g. (Curtice et al 2005, p. 1[6]).

All reference which state a source is available online, could be accessed via the Internet at the date of submission of this thesis (February 2010).

To prevent any ambiguity in referencing, references to legislation are consolidated into one list that appears after the list of references.

In the Chapters legislation is generally referred to by its abbreviated name, e.g. SEA Directive or NEPA.

The list of legislation is organised by whether it applies to Scotland, the UK (exempting Scotland), European Union Countries (exempting the Scotland and the UK), the European Union, Canada and the United States (US).

Official reports are integrated into the main reference list by author, e.g. Scottish Executive (2003).

Chapter 1
Formulation and promotion

Environmental justice, the subject of a presidential Executive Order in the United States (US), was promoted as a policy objective for the United Kingdom (UK) and was a desired outcome of one UK devolved Administration, Scotland, from 2003-2007. The purpose of this thesis is to evaluate the outcome and broader UK and European implications of making environmental justice a policy objective – using Scotland as a case study. Section 1.1 describes the formulation of environmental justice in the US together with its character and how it was implemented. Section 1.2 then reviews how environmental justice was promoted alongside UK sustainable development policy and how it was suggested that this could also influence European Union policy. Section 1.3 introduces the Scottish case study – providing contextual details to assist with interpreting the examination of the policy objective that this thesis presents. Section 1.4 concludes with how this thesis evaluates the outcomes and implications of making environmental justice a policy objective – the thesis structure.

1.1 Born in the USA

The term environmental justice has been applied to disputes concerned with the impact upon people as a result of natural and human made hazards in locales as geographically diverse as Nigeria, Sweden and Ecuador (Martinez-Alier 2002; Walker 2009b). However, the first explicit struggle for "environmental justice" concerned the siting of a landfill containing soil contaminated with Polychlorinated Biphenyl (PCB) in a predominantly African American neighbourhood in Warren County, North Carolina, US, in 1982 (Szasz and Meuser 1997; Lui 2001). Protestors associated with the Civil Rights movement clashed with the North Carolina State Government over the state's choice of location for this site – initially claiming the siting as an act of "environmental racism".

Prior to Warren County, the case of the Love Canal in Niagara Falls had drawn media and consequently US Federal Government attention to the links between environmental pollution and lower income groups. A school and housing were built over and

around the abandoned Love Canal which previously had been used to dump chemicals. A connection was made between this environmental pollution and hazards to health (Szasz 1994; Dobson 1998; Dunion 2003). Residents of the Love Canal sought regulatory changes to remedy existing and prevent future hazards.[1]

The events at the Love Canal were prefigured by research investigating whether such disadvantage was a general trend – environmental inequality had been correlated to income (CEQ 1971) and inequitable distributions of air pollution by race and income (Freeman 1972). Following the Warren County dispute, further studies investigated general spatial relationships between lower income or ethnicity and environmental risk.[2] The wealth of subsequent studies tended to focus on crude measures of exposure risk created by the proximity of specific population groups to "environmental bads" represented by locally unwanted land uses (LULUs) such as landfill sites or incinerators; often patterns of disproportionate numbers of sitings of such facilities were found in poor, African American or Hispanic areas (a summary of this research is provided within Bowen 2002).

This type of research was instrumental in influencing the formation of activist networks across the US (Schlosberg 1999a), who then used this research to campaign for greater consideration of environmental justice within policymaking. For example, Walter Fauntleroy, a congressman arrested during the protests in Warren County (Szasz 1994), commissioned an early influential study (UCC 1987). Many researchers were also campaigners or policy advocates with a strong influence on the character of debates. Particularly notable is Robert Bullard – Professor of Sociology and Director of the Environmental Justice Resource Center at Clark Atlanta University (e.g. Bullard 1983; Bullard 1990; Bullard 1993; Bullard and Wright 2009).

Eventually the then US President, Bill Clinton, signed an Executive Order in 1994 to address environmental justice (histories are provided by Lui 2001; Martinez-Alier 2002). This Order required Federal Agencies to "make achieving environmental justice part of [their] mission" (1-101). Federal Agencies now had to identify and address "disproportionately high and adverse human health or environmental effects of [their]

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[1] The story of the Love Canal is intertwined with another parallel debate about environmental pollution concerned with the development of the Superfund. The Superfund provides money to clean up uncontrolled hazardous waste sites (Szasz 1994).

[2] Three main studies have been seen to "inaugurate and define this field of research" (Szasz and Meuser 1997): the first is Robert Bullard's (1983) *Solid Waste Sites and the Black Houston Community*; the second *Siting Of Hazardous Waste Landfills And Their Correlation With Racial and Economic Status Of Surrounding Communities* (GAO 1983) prepared as a result of a request by Congressman Walter Fauntleroy; and the third is the United Church of Christ's (UCC 1987) *Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites*.

programs, policies, and activities on minority populations and low-income populations in the Unites States and its territories and possessions" (Ibid).

This Executive Order created an Inter Agency Working Group on Environmental Justice headed by the United States Environmental Protection Agency (USEPA). The Working Group was tasked with overseeing the Order and acted as a "clearinghouse for, each Federal agency as it develops an environmental justice strategy…. in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner" (101-2(b)(2)). They also provided "guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations" (101-2(b)(1)). This illustrates that the method used to assess environmental (in)justice are important to environmental justice as a policy objective, including identifying what population groups are affected.

The Executive Order produced a commitment to undertake Environmental Justice Impact Assessments. Environmental justice impact assessment is a highly focused form of social impact assessment aiming to "determine whether a proposed federal activity would impact low-income and minority populations to a greater extent than it would impact a community's general population" (Bass 1998, p.83). However, limited guidance about how an "environmental justice community" should be identified or what methodology should be applied to make "a determination of the disproportionate impact to environmental justice communities" (Rose *et al* 2005, p.235) was provided.

The need for environmental justice impact assessment was subsumed within existing provisions, requiring environmental assessments of federal actions likely to cause significant environmental impacts, under the US National Environmental Policy Act (NEPA) of 1969. NEPA mandated that environmental impact assessments are undertaken of Federal Government projects, plans, programmes and policies[3] prior to a decision being made about whether they should proceed. NEPA inspired many other legislative systems of environmental assessment (Wood 1995; Jones *et al* 2007); notably in Canada[4] and the European Union (EU) which issued a Directive requiring environmental impact assessments (EIA) to assess the significant environmental impacts of certain projects, such as roads or landfill sites.[5]

[3] Thus NEPA, and the executive order, does not apply to the actions of State Government, Local Government or the Tribal Governments who have jurisdiction in particular areas (Governments of particular Tribes native to the US that are federally recognised e.g. Native Americans).
[4] Canadian Environmental Assessment Act 1992.
[5] The EIA Directives.

In the US, where there is evidence of intentional discrimination, Title VI of the Civil Rights Act 1964 could be used to challenge siting decisions "on the ground of race, color [*sic*], or national origin"[6] – however satisfying such claims have been difficult (U.S. Commission on Civil Rights 2003). Research began to unpick the "weight of evidence" supporting the widespread claims of environmental injustice. The method and accuracy of early influential research was questioned (Anderton *et al* 1994; Been 1994; Been and Gupta 1997), together with the overall "quality" of the statistical studies – leading to calls for methodological improvements (Bowen 2001; Bowen 2002; Bowen and Wells 2002).

Arguably, outcomes always rest on methodology; thus the method, including what population group is chosen, produced different results to support claims of "injustice". Additionally, a number of different scenarios could create a "disproportionate" burden. Badden and Coursey (2002) illustrate that many of these are divorced from any discriminatory intent. For example "A facility…not known to be dangerous is sited in a region where people live and is later determined to be dangerous" (Baden and Coursey 2002, p.58). The pluralist nature of the concept of 'environmentalism' and environmental injustice became recognised (Schlosberg 1999a; Schlosberg 1999b; Schlosberg 2004); "Inequitable distribution, a lack of recognition and limited participation all work to produce injustice and claims for injustice" (Schlosberg 2004, p.529).

Therefore environmental justice could be conceived as a focus for claims to be made for the validity of different interpretations of environmental justice or injustice (Čapek 1993). Such claims are played out at different geographic scales (Williams 1999; Towers 2000; Kurtz 2002; Kurtz 2003). Protests at the local or neighbourhood scale could 'jump' to the scales of national and international political structures (Ibid). The concept of distributive environmental injustice was reframed as a lever around which people did and could organise their grievances.

These debates intrude on how the concept of environmental justice can be put into operation via the impact assessments carried out as a result of NEPA. Rose *et al* (2005, p.235) cite that "deficient methodology" and the large number of draft environmental impact statements "claiming that there is no impact to communities" supports further development and use of spatial tools such as Geographic Information Systems (GIS) (Rose *et al* 2005, p.235). However, Holifield (2004) implicitly recognised environmental justice as a claims' making activity, it is "impossible (or if not highly improbable)" for the USEPA "to remove

[6] "No person in the United States shall, on the ground of race, color [*SIC*], or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal assistance."

the questions of which communities are 'true' [environmental justice] communities from political contestation" (Holifield 2004, p.291).

Environmental justice is a discourse conceived by US activists. This discourse initially focused on the general impact on African American and Hispanic but also lower income groups from environmental hazards – claiming that such communities were more likely to be subject to environmental burdens than other groups. Campaigns informed US Federal Policy and subsequent action – in particular motivating the need for the US Federal Government to undertake analysis of impacts within an existing form of environmental assessment applied to projects, policies, plans and programmes. This broad discourse came to influence debate about the values and objectives guiding public policy in other countries, particularly the UK.

1.2 A new agenda for the UK

In 1998 – in a critical review of the compatibility between environmental sustainability and social, or distributive, justice – Andrew Dobson identified that "the *language*, if not a movement, of environmental justice, has a tentative foothold in British political life" (Dobson 1998, p.29 emphasis in original). Dobson derived three different conceptions of environmental sustainability from an extensive review of literature (extending from those that privilege human welfare to those that recognise the intrinsic value of nature) testing these against six "options" related to the basic structure of different dimensions of social justice.

Dobson states that within the "community of [social] justice" there must be those that dispense distributive justice, 'dispensers' and those that receive it, 'recipients' (Dobson 1998). The category 'recipient' relates to what Dobson identified as one of the "fundamental distributive questions", "Among who or what should distribution take place?" Also key in any consideration of distributive environmental justice is "What should be distributed?" and "What should the principle of distribution be?" The examination presented by this thesis focuses on the question of who are the 'recipients' where environmental justice is a policy objective. This links to the US need as a result of the Executive Order to identify "environmental justice communities".

In the same year as Dobson's critical review (1998) Gordon Walker published the Environmental Justice and the Politics of Risk cited as one of the "first of many" papers focused on environmental justice from a group working out of Staffordshire University (Agyeman and Evans 2004, p.157). Much of the work of this and other related groups

promoted the use of the concept of environmental justice within UK policy – discussed within this Section. Environmental justice ultimately became one of the desired outcomes of the programme for government in one of the UK devolved administrations, namely Scotland, from 2003-2007.

In 1999 devolution in the UK established separate administrations in Scotland and Wales and new arrangements were put in place for Northern Ireland.[7] The UK Parliament provides legislation including Acts and Regulations for England and matters reserved to this Parliament for the UK, while the devolved administrations legislate for their own jurisdictions on a specific range of devolved matters. Section 1.3 reviews these matters in relation to Scotland and Scottish environmental justice policy in greater detail. Figure 1.1 provides a map of the UK and its devolved administrations, giving a broad overview of approximate population sizes in relation to land mass (National Statistics 2009). This crudely reflects the different geographic circumstances in each jurisdiction.

In the UK, the process of environmental justice advocacy, research and proposals to include "distributional analysis" in environmental assessment were drawn from that of the US. Therefore, much of the methodological and policy literature from the US is relevant to the UK. However, major differences have been identified. Firstly in the US it has been claimed that there was a network of "grassroots" activists campaigning on environmental justice, whereas in the UK, policy advocates, academics and some Non Governmental Organisations (NGOs) promoted use of the term environmental justice (Dobson 1998; Walker 1998; Walker 2009b).

Secondly, in the US, environmental justice was linked to existing debates regarding Civil Rights and thus the emphasis was on "ethnicity". Conversely, in the UK, environmental justice was connected with social justice, reflecting the priorities of the New Labour Administration which came into office in 1997. New Labour "had campaigned strongly on social exclusion and inequality issues" (Walker 2009b, p.363). Thus, the population groups, of concern to environmental justice, related to existing social justice debates regarding the distribution of income and deprivation. The absence of other groups in this debate, such as those identified by gender and ethnicity, has been discussed (Buckingham and Kulcur 2009; Agyeman 2001).

[7] Originally as a result of The Agreement 1998 (also known as the Good Friday Agreement or Belfast Agreement). Operation of the Northern Ireland Assembly has not been continuous.

Figure 1.1 Map of the United Kingdom illustrating the devolved administrations of Northern Ireland, Scotland and Wales. An overview of the approximate population (in thousands) is provided

In 2005, Harriet Bulkeley and Gordon Walker identified environmental justice as "A new agenda for the UK" (2005);[8] claiming that in the UK environmental justice is "seen as a means of reconciling the sustainable development agenda with that of social justice" (Bulkeley and Walker 2005, p.329). The concept of sustainable development has been the subject of "something like 300 definitions" (Dobson 1998, p.33). However, this term was first popularised by a report of the World Commission on Environment and Development in 1987 (WCED 1987) together with the often cited (Pearce 1993; Ross 2007) extract defining sustainable development as "meeting the needs of the present without compromising the ability of future generations to meet their own needs" (WCED 1987, p.8). By the late 1990s "Sustainable development was well established as a 'master frame' in the UK" (Walker 2009b, p.364) reflecting its status as one of the European Communities' general aims.[9]

In the UK, the academics Agyeman and Evans were at the forefront of advocating that environmental justice should be integrated into sustainable development policy to produce what they called "just sustainability" (Agyeman *et al* 2003b). "What is now needed is for governments at the local, regional, national and international levels… to seek to embed the central principles and practical approaches of 'just sustainability' into sustainable development policy" (Agyeman and Evans 2004, p.163; Agyeman and Evans 2006). This perspective would frame the existing sustainable development debates "within a context of social justice, equity and human rights" ensuring public policy "does not disproportionately disadvantage any social group" (Agyeman and Evans 2004, p.163).

Environmental justice was never adopted as a UK policy objective and so no official UK definition of this concept exists. Although Wales, Northern Ireland and Scotland now develop their own sustainable development policies or strategies the overall framework for sustainable development is shared (HM Government *et al* 2005). In Scotland commitments to sustainable development were combined with environmental justice. Thus debates in one part of the UK, such as those in Scotland (Section 1.3), can influence strategy development in other areas of the UK. UK sustainable development strategy does commit to tackling "environmental inequalities." Despite "Equality as a principle of distribution [being associated with] the most radical tendencies in political thought and practice" (Dobson 1998, p.82), practically, methods exist to render inequality, as discussed further below.

Despite no official definition, Box 1.1 provides one UK definition of environmental justice (Stephens *et al* 2001) from an influential policy briefing,[10] developed from a seminar jointly organised by the UK branch of the international NGO Friends of the Earth (FoE) and the London School of Hygiene & Tropical Medicine. This definition places an emphasis on

[8] Following Walker's earlier question of whether environmental justice was "An agenda for the UK" (1998, p.359).
[9] Treaty of Amsterdam.
[10] For example this definition has been cited by (Charleson and Kind 2003; Connelly and Richardson 2005; Bell 2008).

"rights", reflecting developments at the international level, particularly the European Convention on Human Rights. It also echoes the wording of a principle within the Brudtland Report[11] and the objective of the Aarhus Convention[12]: "to contribute to the protection of the right of every person of both present and future generations to live in an environment adequate to his or her own health or well-being" (Art. 1).

Box 1.1 One widely used UK definition of environmental justice that appeared in a policy briefing

> Environmental justice's two basic premises are first, that everyone should have the right and be able to live in a healthy environment, with access to enough environmental resources to live a healthy life, and second, that it is predominantly the poorest and least powerful people who are missing these conditions.

(Stephens *et al* 2001p.i)

The Aarhus Convention "is the only international convention which explicitly recognises such a right" (Poustie 2004). For this right to be realised the convention promoted a series of procedures, access to information, public participation in decision-making and access to justice in environmental matters.[13] Public participation is a procedure often linked to environmental justice (Stephens *et al* 2001; WGAEJ 2008). However, whether or not it can be demonstrated that such procedures can help prevent or alleviate substantive impacts is a question dealt with by this thesis.

A large amount of research has been linked to environmental justice in the UK. Examples can be found in the early briefing on environmental justice (Stephens *et al* 2001), the rapid research and evidence review (Lucas *et al* 2004) and review of research and analytical method (Walker *et al* 2003b). There is a smaller body of research directly concerned with environmental justice in the UK compared with the US (Poustie 2004; Mitchell and Walker 2007), particularly official research intending to inform policy. One early influential study published by FoES Trust (McLaren *et al* 1999) showed correlations between social deprivation and pollutants emitted from large factories in England.[14] This followed the US model by rendering inequalities in the distribution of impacts.

The Environment Agency did commission environmental justice research as part of an action research project promoting the inclusion of the concept of environmental inequalities (and environmental justice) in UK policy (Chalmers and Colvin 2005). The Environment Act 1995 established the Environment Agency as environment regulator for England and Wales, and the Scottish Environment Protection Agency (SEPA) in Scotland – the role of these

[11] "All human beings have the fundamental right to an environment adequate fro their health and well-being." (WCED 1987, p.348)

[12] The website of the United Nations Economic Commission of Europe indicates that "The Convention entered into force on 30 October 2001" (UNECE 2010).

[13] This reflects the Rio Declaration and it is viewed as the "most far reaching expression of principle 10" (de Sadeleer 2002, p.280).

[14] Some studies linked to environmental justice also illustrated links between areas of low income or deprivation or both and low air quality (a survey of the literature can be found in Mitchell and Dorling, 2003 p.912); although only one of these studies was nationwide (Ibid).

environmental agencies are equivalent to that of the USEPA. Many years of campaigning were required for the USEPA to take account of environmental justice. In contrast, via this action research project, the Environment Agency proactively aligned their activities with this discourse (Walker 2009b).

Table 1.1 UK environmental inequalities research, documents intending to inform appraisals and critiques of the research

Date available	*Authors*	*Study name*	*Prepared for*
Sep 03	Gordon Walker [a] Jon Fairburn [a] Graham Smith [a] Gordon Mitchell [b]	Deprived communities experience disproportionate levels of environmental threat, R&D Technical Summary E2-064/1/TS.	Environment Agency
Sep 03	Gordon Walker [a] Jon Fairburn [a] Graham Smith [a] Gordon Mitchell [b]	Environmental quality and social deprivation, R&D Technical Report E2-067/1/TR.	Environment Agency
Sep 03	Gordon Mitchell [b] Gordon Walker [a]	Environmental Quality and Social Deprivation Phase I: A Review of Research and Analytical Methods, R&D Full Project Report.	Environment Agency
Sep 03	Gordon Walker [a] Jon Fairburn [a] Graham Smith [a] Gordon Mitchell [b]	Environmental Quality and Social Deprivation Phase II: National Analysis of Flood Hazard, IPC Industries and Air Quality, R&D.	Environment Agency
Jan 05	Gordon Walker [a] Helen Fay [a] Gordon Mitchell [b]	Environmental Justice Impact Assessment: An evaluation of requirements and tools for distributional analysis.	Friends of the Earth
Mar 05	John Fairburn [a] Gordon Walker [a] Gordon Mitchell [b] Graham Smith [a]	Investigating Environmental Justice in Scotland: Links Between Measures of Environmental Quality and Social Deprivation.[1]	SNIFFER
Aug 05	John Fairburn [a] Gordon Walker [c] Gordon Mitchell [b] Graham Smith [a]	Industrial Pollution and Social Deprivation: Evidence and Complexity in Evaluating and Responding to Environmental Inequality.	Local Environment (Journal)
Apr 06	Gordon Walker [c] Kate Burningham [d] Jane Fielding [c] Graham Smith [a] Diana Thrush [d] Helen Fay [c]	Addressing Environmental Inequalities: Flood Risk, Science Report: SC020061/SR1.	Environment Agency
May 07	Carolyn Stephens [e] Ruth Willis [e] Gordon Walker [c]	Addressing Environmental Inequalities: Cumulative Environmental Impacts, Science Report: SC020061/SR4.	Environment Agency
May 07	Sarah Damery [f] Gordon Walker [c] Judith Petts [f] Graham Smith [a]	Addressing Environmental Inequalities: Water Quality, Science Report: SC020061/SR2.	Environment Agency
May 07	Sarah Damery [f] Judith Petts [f] Gordon Walker [c] Graham Smith [a]	Addressing Environmental Inequalities: Waste Management, Science Report SC020061/SR3.	Environment Agency
May 07	Gordon Walker [c] Sarah Damery [f] Judith Petts [f] Graham Smith [a]	Addressing Environmental Inequalities: Flood Risk, Waste Management and Water Quality in Wales, Science Report SC020061/SR5.	Environment Agency
In Press	Gordon Mitchell [b] Gordon Walker [a]	Methodological Issues in the Assessment of Environmental Equity and Environmental Justice.	Book, Deakin *et al* (Eds)

[1] The Executive summary contained in this report was also made separately available.
[a] Institute for Environment and Sustainability Research, Faculty of Health and Sciences, Staffordshire University.
[b] School of Geography, University of Leeds.
[c] Department of Geography, Lancaster Environment Centre, Lancaster University.
[d] Department of Sociology, University of Surrey.
[e] Public and Environmental Health Research Institute, London School of Hygiene and Tropical Medicine.
[f] School of Geography, Earth and Environmental Sciences, University of Birmingham.

Table 1.1 lists the research commissioned by the Environment Agency. There were two main research projects that had several outputs. The first, reporting in Sep 03, was titled *Environmental Quality and Social Deprivation*, the second, reporting in May 07, focused on *Addressing Environmental Inequalities*. Different teams of researchers took the research forward. Although, Gordon Walker (originally Staffordshire University but relocated to Lancaster University) was involved in both research projects, as was Graham Smith (Staffordshire University) to a lesser extent.

Gordon Walker and Gordon Mitchell, both prepared the Environment Agency research that reported in Sep 03 and also co-authored a report commissioned by FoE – *Environmental Justice Impact Assessment: An evaluation of requirements and tools for distributional analysis* (Walker *et al* 2005), 'the FoE Report'. Gordon Walker later affirmed the FoE Report's findings in an article identifying a "distributional deficit in policy appraisal in the UK" (2007, p.1). The FoE Report was inspired by the implementation of US environmental justice policy. Its central premise was that existing policy appraisal tools could be used to integrate distributional analysis and thus environmental justice into decision-making, despite distributional analysis requiring further development (Walker *et al* 2005; Walker 2007).[15]

The UK distributional research was influenced by US research. However, the authors of the official UK studies (Table 1.1, Sep 03) considered "…many of the US equity studies, particularly those early studies undertaken by policy advocates, are not sufficiently rigorous to support the conclusions drawn from them" (Mitchell and Walker 2007, p.452). This followed criticism of methods employed in distributional analysis by US authors, in particular Bowen (2001; 2002; Bowen and Wells 2002) but also Lui (2001). Therefore the group produced a review of research and analytical methods (Walker *et al* 2003b) which identified "seven common methodological issues of environmental equity analysis" (Walker *et al* 2003b; Mitchell and Walker 2007) as "an aid to the more robust study of environmental justice" (Mitchell and Walker 2007, p.453). Table 1.2 provides a detailed summary of these issues.

[15] This research was done using "a desktop search of relevant academic literature, published reports and other information from government and official websites" (Walker 2007, p.2).

Table 1.2 Methodological issues in the assessment of environmental equity and environmental justice. Table presents edited extracts from Mitchell and Walker 2007; Walker *et al* 2003

Methodological issue	*Summary of methodological issue*
Selection of Study Population	Social or demographic groups of concern among whom the distribution of environmental risk or benefit is measured must be identified. Choice of population should reflect the possibility of differential susceptibility to the environmental threat studied.
Impact Assessment	A variety of impacts can be assessed (on health, safety, amenity, and economic welfare). Hazards can be assessed in relation to: location of hazard, emission, concentration of pollutants in environmental media, exposure, received dose and affect on human or environmental systems. Assessment of exposure is more robust than analysis of proximity to hazards.
Data Quality	Data is usually collected for purposes other than equity analysis and this may constrain the analysis. The best available data should be used (e.g. data on health impact is preferred to hazard proximity) but the objective is to be fully aware of data limitations and uncertainties.
Spatial Analysis	Results may vary with the spatial scale of analysis: As a result of the modifiable area unit problem (MAUP); Because of the ecological fallacy when results from analysis of large spatial units (counties, districts) are not true for smaller units (census wards, postcode units) but are assumed to be so; Due to the individual fallacy where results from one study are used to infer patterns of equity for other places, times or situations; The irregular shape and size of units that official data applies to (ie. census data) introduces an error where proximity is used as a surrogate for exposure.
Statistical Methods	The degree of association between environmental and social variables must be established. Visual comparison of mapped social and environmental distributions can be made, but a confident assessment requires statistical analysis. Use of a series of statistical tests is recommended.
Understanding Causality	Understanding how the inequality has arisen, assists the policy response that should be made. The complexity of the processes involved makes demonstration of cause and effect difficult, hence three criteria (Lazarasfeld 1959) should be met: (demonstrate co-variation (variables are empirically correlated); (ii) demonstrate relationships are not spurious (correlations between variables cannot be explained by a third variable); and (iii) establish time order of occurrences (cause precedes effect).
What Is Fair?	Having established the existence of significant environmental inequality, to what extent is this inequality is unfair, and what should be done about it should be determined. Developing appropriate responses to environmental inequality should also consider justice theory, which provides guidance on how benefits can be distributed to make a more equitable society.

Table 1.2 shows a focus on ways to take account of environmental justice that require statistical techniques, potentially in tandem with use of spatial mapping. Table 1.2 indicates that this form of analysis requires that the methods employed in assessing environmental justice be clearly stated, including identification of the social or demographic groups of concern. Table 1.2, What is Fair?, also indicates that regardless of the methods used, whether or not any inequality is unjust will then need to be established. In relation to these methodological issues the authors' acknowledged that:

> "Whilst the full list of complexities [summarised in Table 5.1] may appear substantial, if not overwhelming, it is important to note that this is not an uncommon feature of both environmental and social science research. The task

> is to find a pathway for undertaking meaningful analysis that is fit for purpose, operating within data and resource constraints, but with full recognition of these constraints integrated into the research design, data analysis and the development of policy implications" (Walker *et al* 2003b, p.47).

Therefore distributional analysis was proposed as an appropriate way to take account of environmental justice, although distributional analysis is not described in the report. The FoE Report suggested distributional analysis could be integrated into existing policy appraisal tools to fulfil the "need to develop the interpretation of this analysis and its integration into decision-making processes and practices" (Walker *et al* 2005, pp.5, 37). Both the FoE Report and the related article by Gordon Walker acknowledged the efficacy of appraisal tools had been questioned (Walker *et al* 2005; Walker 2007). However, the article stated, "they do have the potential to ensure that policy is made on a more informed and transparent basis and that important societal concerns are examined and evaluated before decisions are taken" (Walker 2007, p.1).

The FoE Report reviewed 17 appraisal tools[16] but recommended four options for advancing distributional analysis. To develop distributional analysis: within the range of impact assessment methods currently used; through strategic environmental assessment (SEA); through use and development of integrated assessment methods; and through a specific environmental equity appraisal tool (Walker *et al* 2005, p.5).[17] Creating a specific environmental justice impact assessment would acknowledge the importance of environmental justice. However, because of the number and strong position of existing appraisal tools, it would unlikely to be widely used (Walker *et al* 2005; Walker 2007).

Therefore, the most likely outcome from the report would be to integrate environmental justice analysis into SEA. SEA has been the subject of many definitions[18] although broadly it is a "systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are fully included

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[16] This was reduced to 16 tools within the article. Fuel poverty analysis was excluded because it is not a form of impact assessment and has indeterminate status. "The Scottish Executive have produced 'Fuel poverty guidance for local housing strategies' which states that a fuel poverty analysis must measure 3 factors for each household: income; household energy efficiency (NHER); and fuel cost. No separate guidance on fuel poverty measurement for local authorities was identified for England, Wales and Northern Ireland, but the UK Fuel Poverty Strategy includes a suite of fuel poverty indicators falling into the three main areas of income, fuel prices and housing" (Walker *et al* 2005, p.15).

[17] The appraisal tools were categorised according to their policy status – that is whether they were a 'statutory requirement', an 'official policy' or 'advisory policy'(definitions can be found in Walker *et al* 2005, p.10). Of the 17 tools only three, SEA, EIA and Sustainability Appraisal are statutory requirements – in Scotland only SEA and EIA are statutory. This raises their importance because their implementation can be held to account though judicial processes. The capacity for EIA and SEA to be held to account is amplified because they are driven by European Directives and thus European Community derived rights (The efficacy of such rights are examined by Ward 2000).

[18] Bina (2003, p.2) identified that the two most widely used definitions are that by Sadler and Verheem (as cited in the text of this thesis and that by Thérivel *et al* (1992).

and appropriately addressed at the earliest appropriate stage of decision making on par with economic and social considerations" (Sadler and Verheem 1996). Use of SEA is supported in United Nation Countries that have ratified the Kiev SEA protocol to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context.

Since 2004 across European Member States, including the UK, the SEA Directive has required SEA to be undertaken of certain public sector "plans and programmes." Thus the FoE Report's recommendation to integrate environmental justice into SEA is similar to the integration of environmental justice into NEPA in the US. The requirements of NEPA and the SEA Directive do differ. NEPA applies to "plans and programmes" but also "policies" and "projects". NEPA is only undertaken at the Federal Government level, whereas the provisions of the SEA Directive apply to certain activities of central *and* local government, together with other organisations taking forward UK plans and programmes with a "public character".

Overall the FoE Report promoted inclusion of distributional analysis in policy appraisal tools so that "policy makers, campaign and protest groups, amongst others" can use appraisal tools to "argue the case for promoting greater [distributive] environmental justice" (Walker 2007, p.1).[19] The FoE Report included a summary of the methodological issues listed in Table 1.2 (Walker *et al* 2005, p.37) and stated:

> "…the methodological complexities of [environmental justice] distributional analysis mean that there is a need for detailed best practice guidance to be developed. This could provide generic advice to those seeking to include [environmental justice] distributional analysis within impact assessment method" (Walker *et al* 2005, p.5, also p.37).

The FoE Report was "limited to examining processes and procedures and guidance documents." Therefore distributional analysis could be done even if this is not recommended by guidance (Walker 2007, p.6). Consequently the FoE Report recognised a need "to go further to examine how distributional analysis is being applied in practice…the quality of this analysis and the impact this may have on decision outcomes" (Walker 2007, p.6). "Research evaluating the use of tools in practice is needed…" (Walker 2007, p.1). An "evaluation of distributional analysis within the practice of SEA, potentially across different European countries" should be made (Walker *et al* 2005, p.5). This gap – the evaluation of distributional analysis within SEA practice – is tackled by this thesis.

[19] Furthermore the implications of not doing distributional analysis are pernicious: "effects will not be fully examined and policy decisions may be repeatedly and unknowingly implicated in the creation, fostering and maintenance of environmental inequalities" (Walker 2007, pp.1-2)

As implied by the recommendations from the FoE Report, discussion about adopting environmental justice as a broad policy objective extend beyond the UK. Recent articles recognise complexity within the concept of environmental justice (Holifield *et al* 2009) but activities in the UK will wittingly or unwittingly influence broader European Union policy. This desire to influence is inherent in the promotion of the concept of "just sustainability" (Agyeman *et al* 2003a). More recently Erik Swyngedouw, University of Manchester, has promoted the concept of environmental justice within European commitment to sustainable development.[20] Additionally a call for papers for a forthcoming conference in March 2010, relating to a project concerned with the *Dimensions of Environmental Justice*, invited short presentations to address the theme of "Driving forward a new environmental justice agenda."[21]

To enable the outcome implications of the promotion of environmental justice as a policy objective to be evaluated, how the commitment has been interpreted and can be put into operation must be investigated – in the case of this thesis via SEA. One UK devolved administration, Scotland, made environmental justice a desired outcome of their 2003-2007 programme for government. The concept was also integrated into Scottish sustainable development strategy. The status of the Scottish commitment to environmental justice is now examined, showing how it links to the US and UK aspirations for environmental justice.

1.3 Environmental justice for all of Scotland's communities

The Scottish commitment to environmental justice developed in parallel with the UK debates. This thesis uses empirical research to follow the promotion of the Scottish commitment to environmental justice and to review the outcomes and implications of making environmental justice a policy objective. Box 1.2 sets out Scotland's high profile commitment to "secure environmental justice for all of Scotland's communities" (Scottish Executive 2003a, p.5[4]). The prominent place of this commitment in the introduction to the Scottish Executive programme for government – or Partnership Agreement – indicates its national policy importance.

[20] This was discussed during a session of the Royal Geographic Society with the Institute of British Geographers conference concerned with Justice, politics and environmental governance, 26 Aug 2009.

[21] The overall project is being organised by Jane Holder, University College London, in collaboration with Andrea Ross, University of Dundee. The forthcoming session is a conference with the title *Environmental justice in legal education* and will be held on 29 March 2010 at the University of Warwick.

Box 1.2 The commitment to environmental justice contained in the introduction to the Scottish Executive's Partnership Agreement – their programme for government from 2003-2007

> We want a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities.
>
> (Scottish Executive 2003a, p.5[4])

The Scottish Executive came into being in 1999 when power to govern Scotland was devolved from the Westminster Parliament to the Scottish Parliament.[22] In Scotland the Labour Party, who had the largest number of seats but no overall majority, formed the Scottish Executive in coalition with the Liberal Democrats in 1999. This coalition continued for the first two terms of the Scottish Parliament until May 2007. In this time period, the Minister for the Environment and Rural Development, a Liberal Democrat, Ross Finnie. The Partnership Agreement (Scottish Executive 2003a) both re-established the Labour Liberal coalition and underpinned its second term of operation after the May 2003 Scottish Parliamentary election.

From 1885, prior to the inception of the Scottish Parliament in its current form,[23] the Scottish Office in Edinburgh oversaw Policy on Health, Education, Justice, Agriculture, Fisheries and Farming although the extent to which a distinctive 'Scottish Politics' existed has been debated (Hassan and Warhurst 2000, pp.56, 72). In 1999 these matters were devolved to the Scottish Parliament, however, others areas such as Foreign Affairs, Defence and National Security were still reserved to the UK Parliament in Westminster.[24]

Following the May 2007 election, the Scottish National Party (SNP) formed a minority administration in the Scottish Parliament (Herbert *et al* 2007). This resulted in an ideological name change to 'Scottish Government'[25] – political change also happened at the local authority level (TEC 2007). Therefore when this thesis refers to the 'Scottish Executive' it refers to the coalition that governed 1999-2007, 'Scottish Government' refers to the SNP administration since May 2007. In both cases the First Minister (nominated by the Scottish Parliament) both leads the Government and appoints other Scottish Ministers who make up the Cabinet.[26]

The change in administration means that the SNP manifesto has replaced the Partnership Agreement as the new programme for government. This manifesto made no

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[22] Since October 2004 the Scottish Parliament has been housed in a bespoke building, Holyrood, in Edinburgh
[23] A Scottish Parliament existed prior to Union with England Act 1707 (enacted on May 1st of that year) which joined Scotland with England.
[24] Control of budgets etc.
[25] The Scotland Act 1998 that established the devolved administration refers to Scottish Executive and thus, despite re-branding, the Government is still the Scottish Executive in legal terms.
[26] The Scotland Act 1998, Sections 45-47

commitment to environmental justice. The Scottish Government also changed how they awarded funding to Scotland's 32 Local Authorities, the boundaries of which are identified in Figure 1.2. The SNP replaced existing funding structures with a Single Outcome Agreement, which gave Local Authorities greater freedoms to manage their own resources and budgets within their local area (Scottish Government and CoSLA 2007). This reflected the thinking that the authorities are better placed to understand the needs of their local community than central government.

Although the Scottish administration changed in May 2007, environmental justice had already been integrated into the Scottish sustainable development strategy. In 2002, in advance of the Partnership Agreement, Scotland's first sustainable development strategy included environmental justice within the definition of sustainable development (SEEG 2002). It then featured in the UK's Shared Framework for Sustainable Development (HM Government *et al* 2005, p.4) and Chapter 8 of Scotland's most recent sustainable development strategy is devoted to "Making the links: environmental justice" (Scottish Executive 2005a). Thus Scotland had moved towards the ambition of UK advocates for "just sustainability" – the integration of environmental justice into sustainable development policy. Table 1.3 lists the documents that incorporated the commitment to environmental justice that intended to inform other public sector action. This thesis refers to these documents as 'Policy Documents'.

Table 1.3 Policy Documents incorporating the commitment to environmental justice that intended to inform the work of Scotland's public sector (Feb 02 – Sep 06)

Date available	*Author*	*Full name*
Feb 02	Jack McConnell	First Minister's Speech on social and environmental justice
Apr 02	Scottish Executive Environment Group (SEEG)	Meeting the Needs…: Priorities, Actions and Targets for sustainable development in Scotland.
Feb 03	Scottish Environment Protection Agency (SEPA)	The National Waste Plan
May 03	Scottish Executive	A Partnership for a Better Scotland: Partnership Agreement
Feb 04	Scottish Executive Development Department (SEDD)	Scottish Planning Policy (SPP) 7: Planning and Flooding
Apr 04	Scottish Executive	National Planning Framework for Scotland
Aug 04	Scottish Natural Heritage (SNH)	Environmental Justice and the Natural Heritage
Jul 04	HM Government et al	Taking it on – developing the UK sustainable development strategy together, A Consultation Paper
Mar 05	HM Government et al	One Future – Different Paths: The UK's Shared Framework for Sustainable Development
Jul 05	SEDD	Scottish Planning Policy (SPP) 16: Opencast Coal
Dec 05	Scottish Executive	Choosing Our Future: Scotland's Sustainable Development Strategy
Jul 06	SNH	Enjoying the Outdoors – An SNH Policy Framework Draft
Sep 06	SEDD	Scottish Planning Policy (SPP) 4: Planning for Minerals
Nov 06	SEEG	Strengthening And Streamlining: The Way Forward For The Enforcement Of Environmental Law In Scotland

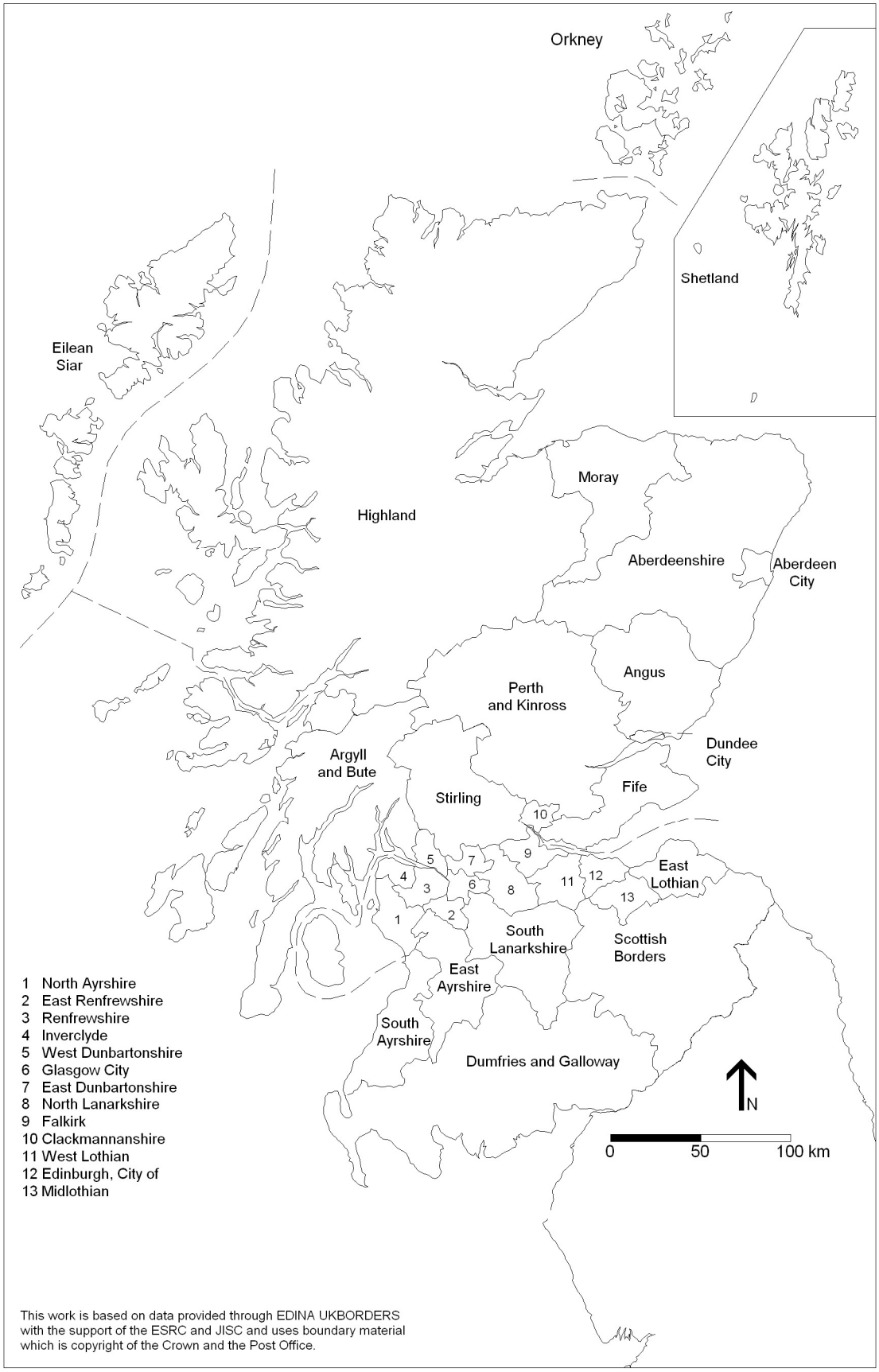

Figure 1.2 Map of Scotland illustrating Scottish Local Government boundaries. Boundaries were originally created by the Local Government etc. (Scotland) Act 1994

The Scottish commitment to environmental justice informed broad UK policy debate and motivated a suggestion that environmental justice could be a useful policy for Northern Ireland.[27] For example Turner stated that "sound regional environmental governance and governance for sustainability depend fundamentally on a robust environmental justice agenda" (Turner 2006a, p.86). Therefore Scotland's approach could be viewed as a 'test bed' for environmental justice as a policy objective, for both Northern Ireland and also the UK more generally, potentially informing debates at the EU level as Section 1.2 explored.

Scotland had previously taken on the role of "test bed" for the UK, most controversially in the case of the Community Charge or "Poll Tax" (Midwinter and Monaghan 1993; Nichols 2000). However, rather than the UK Government imposing this policy on Scotland, the commitment to environmental justice came from the Scottish Executive. This reflects what may be "One of the central aims of the Scottish Parliament… to develop a more distinctive political culture as well as policy initiatives" (Hassan and Warhurst 2001, p.213). This aim reflects on the role of sub-national governments in influencing international policy. Recent examples from Scotland include the extension of strategic environmental assessment (SEA) beyond the requirements of a European Directive[28] (discussed in detail in Chapter 2) and the introduction of ambitious carbon dioxide reduction targets when compared with the rest of the UK.[29]

The Scottish commitment to environmental justice is intimately connected to the process of devolution. In the run up to devolution many organisations recognised that the new Scottish Parliament would have opportunities to legislate on issues that the Westminster Parliament would not have time to deal with.[30] In 1999, to coincide with the opening of the Parliament, Friends of the Earth Scotland (FoES) placed their entire campaign agenda within the framework of environmental justice. Thus FoES played a key role in introducing this idea to the Scottish public and lobbying the Scottish Labour Party which responded by incorporating environmental justice into the coalitions policy framework (Scandrett *et al* 2000; Agyeman 2002; Dunion 2003; Agyeman and Evans 2004; Scandrett 2007).

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[27] There was a Scotland and Northern Ireland Forum For Environmental Research Environmental Justice Workshop on 29 Nov 05 in Clifton House, Belfast attended by 42 delegates from Scotland and Northern Ireland (SNIFFER 2005).

[28] Environmental Assessment (Scotland) Act 2005.

[29] Climate Change (Scotland) Act 2009 and the Climate Change Act 2008 both pledge to reduce carbon emissions to 80% of the 1992 baseline by 2050. In Scotland an interim target was also introduced for a 42% cut by 2020.

[30] A number of environmental organisations produced "Manifestos" for the Scottish Parliament including the Royal Society for the Protection of Birds (RSPB) (Undated [1999]) and Scottish Environment Link, a framework body for Scotland's 33 NGOs. Organisations with other interests also produced agendas for the Scottish Parliament such as representatives of business and industry CBI Scotland (Undated [1999]) and within the planning sector The Royal Institute of Chartered Surveyors (RICS Undated [1999]).

FoES campaign slogan "no less than a decent environment for all, with no more than our fair share of the earth's resources" (adapted from Carley and Spapens 1998) connected local injustices, such as landfill sites, to the injustice reflected in the overuse of resources by the minority in the North at the expense of the global South (Scandrett 2007). However the vocabulary of rights and justice has also been used by other Scottish campaigns identified as 'environmental' such as the campaign to amend the 500-year old feudal land tenure system which informed the Land Reform (Scotland) Act 2003 (e.g. McIntosh 2000).

To reflect developments in the US, FoES attempted to foster activist networks in Scotland. As part of "campaigning for environmental justice" they set up an "agents for environmental justice" certificated college course.[31] Short case histories of graduates from the first year were published to support skills development thus enabling grassroots campaigns (Agents for Environmental Justice and Scandrett 2003).[32] These case histories illustrate the potential breadth of environmental justice, from aggregate mining, location of roads, poor quality housing to community recycling initiatives. Environmental justice was often linked to planning disputes concerning particular projects such as landfill sites or opencast mines – a point affirmed by literature on environmental justice authored by FoES representatives (Scandrett *et al* 2000; Dunion 2003; Dunion and Scandrett 2003; Agents for Environmental Justice and Scandrett 2003) and others (Schluter *et al* 2004).

Environmental justice only became part of the official "Scottish policy landscape"[33] when Labour Member of the Scottish Parliament (MSP) Jack McConnell made his first major policy speech after being appointed First Minister in 2002 (McConnell 2002). The speech followed a visit to Greengairs, North Lanarkshire. A group of people from this small town, with help from FoES, were campaigning against 'inconsistent regulation' because of toxic waste (PCB's) being imported from England to be landfilled in their local area. More landfill sites were also now planned for that area, to fill now redundant open cast mines (ENDS 1998; Dunion 2003; Scandrett 2007, p.469).

Environmental justice linked with existing Labour Party commitments to social justice, enabled the Labour Party to capture a credible part of the green agenda from the Liberal Democrats. As a result of the Partnership Agreement and other high profile statements such as the former First Minister's Speech on the environment (McConnell 2002) and environmental justice's subsequent integration into Scottish sustainable development strategy (SEEG 2002), environmental justice was arguably "a material consideration for

[31] Queen Margaret University College, Edinburgh.
[32] In conjunction with The Centre for Human Ecology (Scandrett, 2003).
[33] A term used by a Scottish Executive representative at the Symposium: 'an emerging agenda for urban environmental research' at The Lighthouse, Glasgow 30 November – 1 December 2004.

local authorities in their capacity as planning authorities" (Poustie 2004, p.30). Therefore, the commitment to environmental justice could directly inform planning authorities' decisions on planning applications.

Following Jack McConnell's speech, the environmental justice agenda was promoted via a number of events that intended to directly influence the activities of central and/or local government across the whole of Scotland. Table 1.4 lists Jack McConnell's speech and these events. Other events promoted environmental justice for example the Centre for Human Ecology, held an event 'Glasgow's vision of environmental and social justice.'[34] Although important to the promotion of the policy objective, such events did not directly focus on influencing the activities of central or local government and are therefore not considered within this thesis.

The nature of the pollution risk at Greengairs – landfilling PCB's – was similar to that which had driven the protests at Warren County, USA. Dr Robert Bullard, a veteran campaigner and researcher, who (as Section 1.1 notes) had documented the early discriminatory siting of landfills in the US (e.g Bullard 1983; 1990), had previously visited the town of Greengairs and its landfill sites during a trip to Scotland (FoES 2001). A symbolic link was made between Scottish environmental justice policy and the US discourse (Dunion 2003). This link was reflected in the definition employed, the research undertaken and the proposals for how environmental justice could be delivered. Each of these is now discussed in turn.

The Scottish Executive developed their own definition of environmental justice, variations of which were used within subsequent government sponsored research (Poustie 2004; Fairburn *et al* 2005). Box 1.3 shows that this definition has both procedural and distributive dimensions. It is consistent with the UK agenda, because the emphasis is placed on social justice, on social groups "deprived in other socio-economic respects". However, as Poustie (2004, p.16) identifies, there are some parallels with an "elaborate definition adopted by the US Environmental Protection Agency" – in particular, the reference to "disproportionate" burdens.

[34] The event was in the University of Strathclyde on the 23rd March 2006 and included contributions from Patrick Harvey – Green Party Member of the Scottish Parliament, the Gal Gael Trust, John Muir Trust, Phoenix Centre.

Table 1.4 A chronology of key events promoting the Scottish environmental justice agenda. These events promoted environmental justice within the activities of central or local government across the whole of Scotland.

Date	*Title*	*Organsiser*	*Speakers names and organisations (organisations are italicised)*	*Location*
18 Feb 02	Environmental Resources Management Scotland Environment Forum	Environmental Resources Management	Jack McConnell, *Scottish Executive*	Our Dynamic Earth, Edinburgh
23-24 Oct 03	Delivering on Environmental Justice	Sustainable Scotland Network	Duncan McLaren, *Friends of the Earth Scotland (FoES)* Janice Pauwels, *City of Edinburgh Council* Colin O'Brien, *Stirling Council* Ross Finnie, *Scottish Executive* Kevin Dunion, *FoES* James Curran, *SEPA* Ken Webster, *World Wide Fund for Nature (WWF) Scotland* Raymond Young, *University of Glasgow* Norman Kerr, *Energy Action for Scotland* Bill Band, *Scottish Natural Heritage* Courtney Peyton, *Thirdwave* Alistair Millar, *Aberdeenshire Council* John Crawford, *Scottish Enterprise* (site visits and workshops)	The Toolbooth, Stirling
18 Nov 03	Environmental justice, planning and health: making the links	Healthy Environment Network	George Morris, *Scottish Centre for Infection and Environmental Health* Sheila Beck, *National Health Service (NHS) Health Scotland* Eurig Scandrett, *FoES* Gordon Walker, *Staffordshire University* Neil Deasley, *Scottish Environment Protection Agency (SEPA)* Ruth Robertson, *SCIEH* Anne Ellaway, *MRC Social Sciences and Public Health Unit*	Highland Hotel, Stirling
July 04	Taking It On Consultation*	FoES and Caledonian University	Maria Donovan, *Greengairs Community Council* Duncan McLaren, *FoES* Linda Mckie, *Caledonian University* Emily Poston, *Scottish Executive* Gordon Walker, *Staffordshire University*	Caledonian University, Glasgow
30 Nov 1 Dec 04	Symposium: 'an emerging agenda for urban environmental research'*	Scotland and Northern Ireland Forum For Environmental Research (SNIFFER)	John Harman, *Environment Agency* Anne Power, *London School of Economics* Emily Postan, *Scottish Executive* Evan Williams, *SEPA* Gideon Amos, *Town and Country Planning Association* Julie Proctor, *Greenspace Scotland* Matthew Frith, *Peabody Trust* Stephan Jefferis, *University of Surrey* Brian D'Arcy, *SEPA* Lars Gemzoe, *Gehl Architects and Royal Danish Academy of Arts* Vitorel Vulturescu, *Directorate General Research European Commission* Ken Collins, *SEPA*	The Lighthouse, Glasgow
7 Mar 05	Sustainable Development Commission Scotland Conference*	Sustainable Development Commission Scotland[1]	Richard Wakeford, *Scottish Executive* Jonathon Porritt, *Sustainable Development Commission (SDC)* Jack McConnell, *Scottish Executive* Carwyn Jones, *Welsh Assembly Government* Stephen Peover, *Northern Ireland Department of the Environment* Jill Rutter, *Department of Environment, Food and Rural Affairs (DEFRA)* Nam Jae-woo, *Presidential Commission for Sustainable Development, Korea* Ross Finnie, *Scottish Executive* Rod Aspinall, *SDC and Cynnal Cymru* Maureen Child, *SDC*	Murrayfield Stadium Conference Centre, Edinburgh
11 Nov 05	Tackling Environmental Crime*	FoES	Lloyd Austin, *Scottish Environment Link* Duncan McLaren, *FoES* Rhona Brankin, *MSP Scottish Executive* Ralf Smith, *Scottish Planning Bar* Gabriel Michanek, *Luleå University of Technology Sweden* Colin Bayes, *SEPA* Pamela Coulthard, *Burness LLP* Mark Poustie, *University of Strathclyde*	City Chambers, Edinburgh
20 Feb 06	Environmental Justice in Scotland*	National Society for Clean Air (NSCA)[2]	Lord Hunt, *NSCA* Sheila Beck, *NHS Health Scotland* Sandy Cameron, *Scottish Executive* Anne Ellaway, *Medical Research Council* Duncan McLaren, *FoES* Caspian Richards, *SEPA* Julie Sturrock, *Sustain Dundee* Anne Elliot, *Medical Research Council*	City Halls, Glasgow
12-13 Sep 07	Environmental Inequalities: ESRC/NERC Transdiciplinary Seminar Series 6*	University of Edinburgh, SNIFFER and SEPA	Gordon Walker, *University of Lancaster* Julie Proctor, *Greenspace Scotland* Jon Fairburn, *Staffordshire University* George Morris, *Scottish Executive* Scott Ferguson, *SNH* Richard Scott, *Land Life* Sue Weldon, *University of Lancaster* Meg Huby, *University of York* Jacqui Stearn, *Natural England*	Royal Society, Edinburgh

Note: Where possible copies of event documentation include programmes and agendas, electronic or hard copies of any presentations made, background information about participants, and reports summarising the content of the event were sourced.
* Indicates that I attended the events and that I either took notes or made audio recordings of the proceedings.
1 During this event I sat in on the Transport Workshop Session with Maureen Child SDC and Chas Ball Edinburgh City Car Club.
2 The NSCA has since become Environmental Protection United Kingdom.

Box 1.3 The official Scottish definition of environmental justice highlighting its distributive and procedural strands

> the 'distributive justice' concern that no social group, especially if already deprived in other socio-economic respects, should suffer a disproportionate burden of negative environmental impacts;
>
> the 'procedural justice' concern that all communities should have access to the information and mechanisms to allow them to participate fully in decisions affecting their environment.
>
> (Poustie 2004, p.4)

This is the definition employed within a report produced for the Scottish Environmental Protection Agency (Poustie 2004) and the Scotland and Northern Ireland Forum For Environmental Research (SNIFFER) research project into environmental justice (Fairburn *et al* 2005). It reflects the definition that was available on the Scottish Executive website (Scottish Executive Undated) and that developed by Kevin Dunion, former Chief Executive of Friends of the Earth Scotland (Dunion 2003). It is also paraphrased within other documents such as the *Statutory* Guidance to SEPA provided by the Scottish Executive (SEEG 2004c, p.7).

In contrast to the US (Szasz and Meuser 1997; Lui 2001), the Scottish commitment to environmental justice was in place prior to the commissioning of official research (Fairburn *et al* 2005). Thus, a "coincidence between poor environmental quality and deprived communities in Scotland" (Fairburn *et al* 2005, p.14) was presumed. Therefore, official research was commissioned "to explore this presumption and to help inform future policy directions" by investigating links between social deprivation and environmental quality (Fairburn *et al* 2005, p.14). The same group that undertook "distributional analysis" for the Environment Agency reported in Sep 03 (Table 1.1) did this study. Thus it was also inspired by the distributional analysis undertaken in the US, particularly the work of Lui (2001).

The Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) commissioned the Fairburn *et al* (2005) research. This thesis refers to this research as the SNIFFER Study. SNIFFER manages and delivers knowledge, relating to the environment and quality of life, to its members and partners – its partners include the Scottish Executive (now Scottish Government) and SEPA – Scotland's environment regulator.[35] Table 1.5 lists this study and the other environmental justice research commission for (or on behalf of) the Scottish Executive intending to inform action across Scotland (SEEG 2005b).[36]

[35] The other members are the Northern Ireland Environment Agency (previously Environment and Heritage Service), Department of Environment, Scottish Natural Heritage, Forestry Commission and the Environmental Protection Agency (Ireland).

[36] The Scottish Executive associated other research with the commitment to environmental justice (Scottish Executive 2004d). For example the results of the Public Attitudes to the Environment in Scotland Survey 2002 (Hinds *et al* 2005) and the Survey on Environmental Issues in Scotland (NFO System Three 2002). However these two studies were the only studies directly commissioned to generate evidence for the commitment to environmental justice.

Table 1.5 Research on environmental justice commissioned for (or on behalf of) the Scottish Executive which would enable policy and action to be targeted effectively (SEEG 2005b)

Date available	*Authors*	*Full name*	*Prepared for*	*Abbreviation*
Mar 05	John Fairburn Gordon Walker Gordon Mitchell Graham Smith	Investigating Environmental Justice in Scotland - Links Between Measures of Environmental Quality and Social Deprivation.	SNIFFER	SNIFFER Study[1]
Oct 05	John Curtice Anne Ellaway Chris Robertson George Morris Gwen Allardice Ruth Robertson	Public Attitudes and Environmental Justice in Scotland: A report for the Scottish Executive on research to inform the development and evaluation of environmental justice policy.	Scottish Executive Social Research	Attitudes Study[2]

1. This research is referred to as the SNIFFER Study because it was commissioned by the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) – SNIFFER was part funded by the Scottish Executive and is now part funded by the Scottish Government.
2. The research was produced for the Scottish Executive Environment Group.

The process of commissioning and disseminating research was pivotal to the development of Scotland's commitment to environmental justice. Table 1.4 lists that Gordon Walker, an author of the SNIFFER Study, spoke at many key Scottish environmental justice events during the development of that research (Table 1.4 18 Nov 03, Jul 04, 12-13 Sep 07). This promoted distributional analysis as a means to contribute to achieving environmental justice. At one such event, the "Taking it on" Consultation (Table 1.4, July 2004), where updates to the UK sustainable development strategy were discussed, a strong need for further research into environmental justice was identified. Additionally environmental justice was one of 11 explicit research themes promoted by SNIFFER at the *Symposium: an emerging agenda for urban environmental research* (30 Nov – 1 Dec 04).[37]

In 2005 SNIFFER dissolved their 11 research themes – they now had no specific theme dealing with environmental justice. After a Scottish Executive research event in October 2006 concerned with Communities and Wellbeing (featured in Table 3.1, Chapter 3), it was evident that the Scottish Executive had no plans to commission further environmental justice research. Research was in process on what was deemed a related topic – the disposal of nuclear waste (Scottish Executive Representatives, pers. comm., 2 Oct 06).

The second official study researched public attitudes to environmental justice (Curtice *et al* 2005) and is referred to by this thesis as the 'Attitudes Study' (Table 1.5). Both the SNIFFER Study and the Attitudes Study employed the Scottish Index of Multiple Deprivation (SIMD) 2004 to identify the socio-demographic groups of concern. This index and its subsequent update is "the official tool for identifying small area concentrations of multiple deprivations across all of Scotland" (Scottish Executive 2006a) "in a fair way"

[37] Symposium delegates discussed the research themes and were given opportunities to propose further related research.

(Scottish Executive 2004e, p.p.[2]). Chapter 5 discusses the construction and updating of the SIMD in detail. Box 1.4 presents a condensed summary of the SNIFFER Study findings.

Box 1.4 A summary of the findings from the Scottish study investigating links between social deprivation and environmental quality (the 'SNIFFER Study')

> For "*industrial pollution, derelict land* and *river water quality* there is a strong relationship with deprivation…for *landfills* and *quarries and open cast sites* the patterns of relationship between deprivation and population proximity are less distinct…people living in deprived areas are less likely to live near to areas of *woodland*…for *green space*…there is no simple relationship…people living in the most deprived areas are more likely to experience the poorest air quality than those living in less deprived areas.
>
> (Fairburn *et al* 2005, pp.14-15)

As Box 1.4 indicates the SNIFFER Study found no correlation between deprivation and the proximity of the population to landfill and open cast sites. These were the 'injustices' affecting residents of Greengairs town, the site the First Minister visited prior to his landmark speech on the environment in 2002 (McConnell 2002). The research commissioned to investigate public attitudes and environmental justice in Scotland (Curtice *et al* 2005)[38] included both polluting industry and 'environmental incivilities' (Curtice *et al* 2005, p.1[6]).

> "An 'environmental incivility' is any aspect of the environment that people are capable of discerning through hearing, sight, touch or smell and about which they may be inclined to feel negatively. Examples include 'street level' incivilities such as litter and graffiti, 'infrastructural incivilities' such as overhead power lines or a landfill site, and 'goods' that may be absent such as somewhere pleasant to walk or sit." (Curtice *et al* 2005, p.1[6]).

This opened up the concept of environmental justice to a huge range of issues normally dealt with under 'anti social behaviour' or 'community safety'. Box 1.5 presents key findings from this research and illustrates that this research recommends a focus on reducing incivilities. Scandrett, who worked for FoES (until July 2005) and organised the course in environmental justice for community activists, has criticised both of these studies. Scandrett acknowledges the studies' methodological rigour but argues they have "enabled the conception of environmental justice espoused by [the previous First Minister Jack] McConnell to be narrowed in favour of certain social interests, especially the interests of capital" (Scandrett 2007, p.4).

[38] As of part of the 2004 Scottish Social Attitudes survey a representative sample of 1,637 adults aged 18 plus and resident in Scotland were surveyed for their attitudes to environmental justice.

Box 1.5 Key findings from the research investigating public attitudes and environmental justice in Scotland

> …environmental policy in Scotland needs to give priority to reducing the incidence of street level incivilities and the absence of goods such as lack of green spaces, both of which appear to be more important than potential infrastructural incivilities. Street level incivilities and the absence of goods appear to be associated with poor health and low community cohesion. At the same time they are very unevenly distributed, being far more likely to be experienced by those in deprived areas. An attempt to reduce such incivilities in deprived areas would help reduce inequality and could be expected to improve the health status and community cohesion of those living in such areas.
>
> (Curtice *et al* 2005, p.2[7])

Scandrett claims the SNIFFER Study was "treated as solid piece of background evidence which can be used to close down speculation and narrow the focus of the debate" (Scandrett 2007, p.4). The lack of a link between landfill sites and deprivation means that policy should be directed to areas where "correlations are identified, such as air quality, and to local solutions" (Scandrett 2007, p.4). Additionally, the research reviewing attitudes and environmental justice "regards major polluters and infrastructure projects (which tend to be driven by economic interests) as less important than low-level incivilities" (Scandrett 2007, p.4). This shifts the focus of environmental justice from FoES primary concern with the planning system.[39]

US literature has focused on the operation of environmental justice impact assessment and the broader influence on research in legal disputes. Following the US literature, the role of research in the evolution of environmental justice in the UK has been discussed (e.g Walker 1998; Agyeman 2002; Walker 2009b). However, how the SNIFFER Study, the Attitudes Study or any research linked to environmental justice in the UK more broadly has been used has not been investigated. This is a gap addressed by this thesis.

Although there was a great deal of debate about environmental justice, only one body was given an explicit duty to take it into account in their activities, Scotland's equivalent of the USEPA, SEPA. SEPA monitors and reports on the state of Scotland's environment. As SEPA was brought into being by The Environment Act 1995, SEPA "must have regard to" the guidance on Sustainable Development issued by the Scottish Executive[40] (SEEG 2004c, p.1[6]). The commitment to environmental justice was integrated into Scotland's sustainable development strategy (SEEG 2004a), and therefore seven actions relating to social and environmental justice were proposed that SEPA "must have regard to". Box 1.6 presents two of these actions particularly relevant to this thesis topic.

[39] Low level problems may be far more apparent to citizens than the longer term more indirect impacts of landfills etc. This relates to issues about perception and risk and education.
[40] Under section 31 of the Environment Act 1995

Box 1.6 Actions relating to environmental justice that SEPA must have regard to as a result of Scottish Executive guidance on sustainable development

> SEPA will use its statutory powers to support the aims of environmental justice, in particular to prevent environmental burdens falling disproportionately on particular (vulnerable) communities or sectors of society.
>
> SEPA will seek to encourage and inform public participation in decisions affecting their environment and sustainable development.
>
> (SEEG 2004c, p.8[12])

Prior to this Sustainable Development Guidance, SEPA was conscious of environmental justice and its implications for SEPA (Charleson and Kind 2003). Thus research was commissioned to "explore the extent to which SEPA can take account of environmental justice within its current legislative framework when making licensing decisions or carrying out enforcement activity" (Poustie 2004, p.4[5]). The report examined SEPA's legal mandate for addressing both the distributive and procedural aspects of environmental justice, together with the human rights dimension (Poustie 2004). One chapter of this report was devoted to the issue of establishing whether there was an environmental justice problem, with the research identifying that environmental justice had become:

> "a key Executive and UK Government policy initiative. However, it is also apparent that the policy has not been fully elaborated… for example, improving access to information and public participation mechanisms have been given greater consideration than measures to address 'distributive justice' aspects..." (Poustie 2004, pp.4-5).

This research indicated that the concept of environmental justice was not "fully elaborated" upon therefore it is important to review how it has been broadly interpreted. How environmental justice has been or can be defined has been studied both within the UK (Stephens *et al* 2001; Poustie 2006) and the US (Schlosberg 2009). Scottish research has also reviewed how health professionals interpreted this concept (Beck 2003). Additionally, Todd and Zografos (2005) reported findings[41] of a study to develop an indicator of environmental justice for Scotland. However, no research has reviewed how environmental justice *was* interpreted as a result of public policy in the UK. This thesis tackles this gap.

This parallels the study by Rose *et al* (2005) who examined how environmental justice was incorporated into draft environmental impact statements in the US – reviewing how the term had been interpreted by assessing the method and analysis used. Holified (2004) undertook a case study reviewing "one regional office of the US Environmental

[41] Following an MSc undertaken within the University of Edinburgh (Todd 2003).

Protection Agency translated the Clinton administration's environmental justice policy into practical guidelines for its managers"(Holifield 2004, p.285). To review how environmental justice has been interpreted requires focusing on appropriate sites for this interpretation.

Only one measure was specifically created as a result of the Scottish Executive commitment, the Environmental Justice Fund. The fund was managed on behalf of the Scottish Executive by Forward Scotland, an organisation that delivers grants to improve the environment across Scotland. It contained "£2 million available for communities" and ran for one year, ending in March 2008 (Forward Scotland 2007). In advance of this, activities identified as contributing to environmental justice policy undertaken or sponsored by the Scottish Executive in the first three years of the Partnership Agreement were identified in *The Review of Progress on Environmental Justice* (SEEG 2005b).

The *Review of Progress* featured some "new activities and targets" but, because of it being produced at an early stage of policy formulation, the Executive was "still developing [their] understanding of the issues and the most appropriate interventions" (SEEG 2005b p.[2]).[42] Box 1.7 shows how the Review of Progress altered the definition of environmental justice from an emphasis on "disproportionate burdens" (Box 1.3) to the "distribution of the factors affecting environmental quality" (SEEG 2005b, p.[2]). This shifts the emphasis away from the US definition towards the clearer need for a measurement of distribution. However, it still maintained a focus on deprived communities as recipients; stating that "deprived communities may also be most vulnerable" to environmental inequalities and there is a need to address "these kind of inequities" (SEEG 2005b, p.[2]).

Box 1.7 The definition of environmental justice from the Scottish Executive's *Review of Progress on Environmental Justice*

> Importantly, when we talk about justice in this context, we are talking not only about fairness in **the distribution of the factors affecting environmental quality (both good and bad)**, but also about fairness in **providing the information and opportunities necessary for people to participate in decisions about their environment**. These are the two interrelated and equally important strands of environmental justice.
>
> (SEEG 2005b, p.[2] emphasis in original)

The Review of Progress contained existing Scottish Executive initiatives and recognised that "Environmental justice is a goal that touches the work of virtually every department in the Scottish Executive" (SEEG 2005b, p.[3]). It identified twenty priority areas from the First Minister's speech (McConnell 2002) and "relevant commitments" in *A Partnership for a*

[42] The *Review of Progress* acknowledged that the Scottish Executive must do more to contribute to environmental justice. The review coincided with a critical review of progress undertaken by a German academic on behalf of FoES (Maschewsky 2005).

Better Scotland (Scottish Executive 2003a). These ranged from community planning to measures to tackle environmental crime – such as illicit chemical spills.

The Review identified the introduction and Scottish extension of the European SEA Directive as "a principal tool for delivering both strands of environmental justice" (SEEG 2005b). This parallels the need for environmental justice impact assessment implemented through the requirements for NEPA in the US (Section 1.1) and the suggestion that SEA could take account of environmental justice more broadly within the UK (Section 1.2). SEA must take account of a particular plan, programme or strategies 'environmental protection objectives' (SEA Directive, Annex 1(a)) which in Scotland includes environmental justice. Additionally, the objective of the SEA Directive:

> "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 promoting sustainable development" (SEA Directive, Art.1).

In Scotland the definition of sustainable development includes environmental justice. As a result of the Environmental Assessment (Scotland) Act 2005 SEA was extended so that public bodies are required to undertake (at least a minimal) environmental assessment of virtually all of their plans, programmes and strategies. So analysing SEA enables evaluation of how a broad range of public sector organisations interpreted and would take account of environmental justice. The next section shows how the outcomes and implications of promoting environmental justice as a policy objective are evaluated – outlining the thesis structure.

1.4 Evaluating policy outcomes and implications

This thesis evaluates the outcomes and broader implications for the UK and EU of promoting environmental justice as a public sector policy objective. To do this requires engaging with how environmental justice as a policy objective has been and is likely to be put into operation. To focus this thesis, information has been gathered about one key mechanism linked to the delivery of environmental justice, SEA. The evaluation presented by this thesis is structured into three main results and analysis Chapters which examine:

1. How evidence can be generated so decision-making can account for environmental justice (**evidence**);

2. How a commitment to environmental justice has been explicitly referred to and used by the public sector (**interpretation**);

3. The outcomes of procedures aiming to contribute to environmental justice, in particular procedures supporting public access and participation in environmental decision-making (**procedure and participation**).

The next chapter, **Chapter 2**, introduces SEA, identifying theoretical links between environmental justice and SEA. The links and who made them are then considered in later Chapters. **Chapter 3** describes the methods used to examine the outcomes and implications of promoting environmental justice as a public sector policy objective, introducing the approach to data collection and why this approach is appropriate to this thesis.

Chapter 4 begins the analysis of the Scottish case study by examining what 'evidence' is required to take environmental justice into account in decision-making. It presents an appraisal of the processes of generating evidence through 'distributional analysis'. The implications are examined of routinely undertaking distributional analysis within the SEAs of plans, programmes, strategies and potentially policies.

This thesis' main focus is on the promotion of a policy objective. **Chapter 5** assesses how the Scottish commitment to environmental justice has been promoted within Scotland and interpreted by Scotland's public sector within SEA. This includes a review of how research evidence related to environmental justice has been used. Investigating how an objective has been interpreted enables consideration of the implications of its further promotion.

Specific procedures have been identified as contributing to the delivery of environmental justice policy, in particular, public access to and public participation in environmental decision-making. **Chapter 6**, therefore, examines the legislative opportunities for public participation in SEA and thus the public access to environmental decision-making it provided. Who gets involved in the SEA process in relation to who promoted environmental justice and SEA in Scotland is determined. **Chapter 7** presents conclusions and recommendations drawn from all the previous chapters.

The idea behind environmental justice appears straightforward. Namely, that no person should be disadvantaged by environmental "bads", should have access to environmental "goods" and should be able to be recognised within or gain access to decision making procedures. However, adopting environmental justice as a policy objective requires methods of delivering this policy. Examining the outcome of attempts to put this ideal into operation enables the implications of promoting environmental justice as a public sector policy objective to be evaluated. This examination begins by reviewing direct claims of what SEA can contribute to environmental justice.

Chapter 2
Strategic environmental assessment's potential contribution

In the UK, academics, non-governmental organisations and government representatives claimed strategic environmental assessment (SEA) could contribute to environmental justice. This Chapter examines what claims were made and by whom to provide a picture of *why* SEA was considered to have potential to contribute to the policy objective environmental justice. Section 2.1 lists the variety of English language documents that connect environmental justice and SEA, and outlines why this topic may provide a fruitful area of inquiry, yet to be fully explored. It then reviews the broad links in detail and, in particular, the claim that SEA should be value-driven (Section 2.1.1) and that environmental justice could represent those values (Section 2.1.2). Section 2.2 sets out the case of SEA in Scotland, a country that made a strong commitment both to environmental justice and SEA. Claims of how SEA and environmental justice are linked in Scottish policy and academic debate are reviewed. Section 2.3 concludes this Chapter with an overview of the theoretical links between environmental justice and SEA derived from the English language documents, together with how they are used by this thesis.

2.1 A fruitful area of inquiry, yet to be fully explored

The SEA process in Europe, driven by the SEA Directive and the UNECE protocol, has potential to contribute to both the substantive and procedural aspects of environmental justice as Chapter 1 explained. This connection between SEA and environmental justice reflects the United States' (US) approach to integrating environmental justice into Federal decision making, in particular, through the way environmental justice impact assessment was integrated into Federal Government environmental assessments of policies, plans and programmes. However, the only *explicit* links made between environmental justice and SEA in an international forum were made in the journal Environmental Impact Assessment Review (EIA Review).

These links were first made in the 2005 EIA Review article *Value-driven SEA: time for an environmental justice perspective?* (Connelly and Richardson 2005). Two years later, the October 2007 special issue of EIA Review contained two articles connecting SEA to the delivery of environmental justice as a policy objective. This 2007 special issue was the first journal title focused exclusively on SEA Theory and Research.[43] This special issue's introduction links SEA and environmental justice by stating that "making the principle of environmental justice central to SEA" can "focus [SEA] on the environmental and equity concerns of sustainability" (Wallington *et al* 2007, p.578). Additionally Bina identified "the potential for SEA to contribute to… environmental justice" as one of several "fruitful areas of inquiry, yet to be fully explored" (2007, p.602). These remarks were motivated by another article in the 2007 special issue; *An analysis of the theoretical rationale for using strategic environmental assessment to deliver environmental justice in the light of the Scottish Environmental Assessment Act* (Jackson and Illsley 2007).

This paper by Jackson and Illsley, together with other related journal articles, conference papers and their respective presentation by Jackson (Jackson and Illsley 2005; Jackson and Dixon 2006; Jackson and Illsley 2006; Illsley *et al* 2007; Jackson and Illsley 2008) repeatedly connected environmental justice to SEA. This has initiated and informed debate, heightening the importance of the links between environmental justice and SEA as a research topic, while simultaneously presenting a picture of Scottish SEA implementation to an international academic audience.

The influence of the debate promoted by Jackson and Illsley is demonstrated by reviewing Table 2.1's chronology of English language texts linking environmental justice to SEA. The documents are numbered so that relationships between them can be readily identified. This thesis focuses on environmental justice as a policy objective in Scotland and discusses the broader implications for the European Union including the rest of the UK, therefore, certain documents are not included in Table 2.1. Excluded are texts where environmental justice has been linked more generally to environmental assessment (Holder 2004, p.198) or discussed in relation to sustainability assessment (e.g. Holder 2004). Also excluded are reports from SEA or other planning documents that refer to environmental justice, in particular, those from the US as a result of NEPAs requirements (e.g. the documents analysed by Rose *et al* 2005).

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[43] An outline of the journal articles were first presented in a special session at the 'International Experience and Perspectives on SEA' Conference, Prague, September 2005, hosted by the International Association of Impact Assessment (IAIA) (Bina *et al* In press). "Each paper brings something of a fresh perspective to the task of theorising SEA. Collectively, the papers contribute to a deeper understanding of SEA's conceptual foundations" (Wallington *et al* 2007, p.570).

Table 2.1 A chronology of English language documents that explicitly connect SEA and environmental justice
(Key: No. = their order in the sequence date sequence, No. 1 is the earliest paper; Date = The month and year the document was available – where this date differs from the publication date, the publication date is given in the 'Document title and copy details').

No.	*Date*	*Author*	*Document title and copy details*
1	Apr 03	Paula Charleson Vanessa Kind	Environmental Justice and its Implications for SEPA. *SEPAView*. The Magazine of the Scottish Environment Protection Agency. *15(*Spring), 2-4.
2	Jun 03	Neil Deasley	Strategic Environmental Assessment: An introduction to a new major policy initiative from Europe. *SEPAView*. *16*(Summer),16-17.
3	Oct 03	Ross Finnie	Finnie, R. (2003) Finnie's Way. *Environment Quarterly (Holyrood Policy Journal). 1*, 4-7.
4	Nov 03	Healthy Environment Network	*Environmental justice, planning and health: making the links*. Healthy Environment Network open meeting 18th November 2003. Stirling Highland Hotel, Stirling. [Minute of the meeting containing a programme].
5	Mar 04	Friends of the Earth Scotland (FoES)	Strategic Environmental Assessment. Consultation on Proposed Legislative Measures to Introduce Strategic Environmental Assessment in Scotland. Response from Friends of the Earth Scotland. 11 March 2004.
6	Mar 04	Sheila Beck	*Environmental Justice in Scotland: How does the Healthy Environment Network interpret this concept and what is happening in Scotland to address environmental injustice?* Unpublished Master of Public Health Dissertation. Glasgow: University of Glasgow.
7	Jun 04	Alasdair Reid	*Strategic Environmental Assessment.* Scottish Parliament and Information Centre (SPICe) Briefing. 18 June 2004. 04/06. The Scottish Parliament. (Reid 2004b)
8	Aug 04	Anna McLauchlan	*Barriers to Environmental Justice: An Investigation – The M74 Special Road.* Unpublished Masters of Environmental Studies (MEnvs) Dissertation. Glagow: University of Strathclyde.
9	Oct 04	Scottish Environment Link	Submission from Scottish Environment Link [Environmental Assessment (Scotland) Bill].
10	Nov 04	Stephen Connelly Tim Richardson	Value-driven SEA: time for an environmental justice perspective? *Environmental Impact Assessment Review* (EIA Review). *25*(4), 391-409. [Published May 05]
11	Jan 05	Gordon Walker Helen Fay Gordon Mitchell	*Environmental Justice Impact Assessment: An evaluation of requirements and tools for distributional analysis*. A report for Friends of the Earth. Stoke on Trent: Institute for Environment and Sustainability Research, Faculty of Health and Sciences, Staffordshire University.
12	Feb 05	Scottish Executive Environment Group	The Environmental Assessment (Scotland) Bill 2005: Summary of Consultation Comments and Scottish Executive Response. February 2005. Paper 2005/3. Edinburgh: Scottish Executive. (SEEG 2005a)
13	Mar 05	Mark Poustie	*Environmental Justice in SEPA's Environmental Protection Activities: A Report for the Scottish Environment Protection Agency.* Glasgow: University of Strathclyde Law School. [Completed Nov 04, Mark Poustie, pers. comm., 2010]
14	Apr 05	Alasdair Reid	Environmental Assessment (Scotland) Bill. SPICe Briefing. 18 April 2005. 05/21. Edinburgh: The Scottish Parliament. (Reid 2005a)
15	Apr 05	FoES	The Environmental Assessment (Scotland) Bill 2005. Evidence to the Environment and Rural Development committee.
16	Jun 05	Scottish Environment Link	Environmental Assessment (Scotland) Bill: Briefing for Stage 1 Debate – 16 June 2005.
17	Sep 05	Tony Jackson Barbara Illsley	An examination of the theoretical rationale for using strategic environmental assessment of public sector policies, plans and programmes to deliver environmental justice, drawing on the example of Scotland. Paper presented at the *International Association for Impact Assessment Conference: International Experience and Perspectives in SEA*. 26-30 Sep 2005. Prague
18	Sep 05	Office of the Deputy Prime Minister (ODPM)	A Practical Guide to the SEA Directive. ODPM: London.
19	Nov 05	Scottish Parliament	Minutes of Proceedings Vol. 3, No. 31 Session 2. Meeting of the Parliament. 9 November 2005. (Scottish Parliament 2005d)
20	Dec 05	Scottish Executive Environment Group	Review of progress on environmental justice. Paper 2005/37. (SEEG 2005b)
21	May 06	Tony Jackson Barbara Illsley	Strategic Environmental Assessment as a Tool of Environmental Governance: Scotland's Extension of the European Union SEA Directive. *Journal of Environmental Planning and Management. 49*(3), 361-383.
22	Jun 06[1]	Veronica Burbridge	Strategic environmental assessment in Scotland: Implementation in a devolved administration. Unpublished LL.M. Thesis. Dundee: University of Dundee.
23	Jun 06	Tony Jackson Jennifer Dixon	Applying strategic environmental assessment to land-use and resource-management plans in Scotland and New Zealand: a comparison. *Impact Assessment and Project Appraisal. 24*(2), 89-102.
24	Feb 07	Tony Jackson	Mainstreaming Sustainability in Local Economic Development Practice. *Local Environment. 22*(1), 12-26.
25	July 07	Olivia Bina	A critical review of the dominant lines of argumentation on the need for strategic environmental assessment. *EIA Review. 27*(7), 585-606. [Published Oct 07]
26	July 07	Tony Jackson Barbara Illsley	An analysis of the theoretical rationale for using strategic environmental assessment to deliver environmental justice in the light of the Scottish Environmental Assessment Act. *EIA Review. 27*(7), 607-623. [Published Oct 07]
27	July 07	Tabatha Wallington Olivia Bina Wil Thissen	Theorising strategic environmental assessment: Fresh perspectives and future challenges. *EIA Review. 27*(7), 569-584. [Published Oct 07]
28	Nov 07	Gordon Walker	Environmental justice and the distributional deficit in policy appraisal in the UK. *Environmental Research Letters*. 2(2007). 7pp.
29	Dec 07	Anon	Environmental Impact; Scientists at University of Dundee report research in environmental impact. *Pharma Law Weekly*. 8 December 2007, 138. ("Environmental Impact" 2007e)
30	Dec 07	Anon	Environmental Impact; Scientists at University of Dundee report research in environmental impact. *Healthcare Finance, Tax & Law Weekly*. 19 December, 127. ("Environmental Impact" 2007b)
31	Dec 07	Anon	Environmental Impact; Scientists at University of Dundee report research in environmental impact. *Medical Verdicts & Law Weekly*. 20 December, 203. ("Environmental Impact" 2007c)
32	Dec 07	Anon	Environmental Impact; Scientists at University of Dundee report research in environmental impact. *Medicine & Law Weekly*. 21 December, 185. ("Environmental Impact" 2007d)
33	Dec 07	Anon	Environmental Impact; Scientists at University of Dundee report research in environmental impact. *Law & Health Weekly*. 22 December, 95. ("Environmental Impact" 2007a)
34	Feb 08	Rebecca Bell	Public Response to SEA in Scotland. Unpublished MSc Dissertation. Glasgow: University of Strathclyde.
35	May 08	Tony Jackson Barbara Illsley	Jackson, T. and Illsley, B. (2008) Using SEA to mainstream sustainable development: the Scottish Example. Paper presented at the *International Association for Impact Assessment Conference: The Art and Science of Impact Assessment*. 4-10 May, 2008. Perth, Australia.
36	Dec 08	Anna McLauchlan	McLauchlan (2008) *Scotland and Northern Ireland Conference on Strategic Environmental Assessment (SEA): Getting Better Value from SEA. Conference Report.* Glasgow: University of Strathclyde.
37	In press (not readily avail-able)	Olivia Bina Tabatha Wallington Wil Thissen	Strategic Environmental Assessment theory and research: an analysis of the discourse. In, *Handbook of Strategic Environmental Assessment* (Eds), Sadler, B. Aschermann, R., Dusík, J., Fischer, T.B., Patridario, M. and Verheem, R.
38	In press (not readily avail-able)	Gordon Walker	Environmental justice, impact assessment and the politics of conflict: the implications of assessing the social distribution of environmental outcomes. *EIA Review.*

[1] The month the thesis was made available was not listed – this is an approximate date provided in 2009 by the author.

Some texts in Table 2.1 relate to particular Scottish SEA legislation (e.g. No.12-16) and others to SEA in general (e.g. No.10, 11). How environmental justice is referred to changes with the purpose of the text. For example, texts by the Scottish Executive (e.g. No.20) indicate support for their commitment to environmental justice, whereas journal articles (e.g. No.23) may be comparatively more critical of the connections between environmental justice and SEA.

Table 2.1 lists Masters' Dissertations by Beck (2004) (No.6), McLauchlan (2004) (No.8) and Bell (2008) (No.3), together with a thesis by Burbridge (2006) (No. 22) which connect environmental justice to SEA. SEA is only briefly discussed by Beck (2004) (No.6) and McLauchlan (2004). In support of the commitment to environmental justice, Beck (2004) highlights how SEA may be able to tackle "additive and synergistic effects" of development (Beck 2004, p.75) and McLauchlan discusses the limits of SEAs to consider alternatives (McLauchlan 2004). Bell's study focused on a critical analysis of public response to SEA in Scotland and references to environmental justice are replicated from other texts (specifically Table 2.1 No.3). Burbridge (2006) examined how the Scottish implementation of SEA in a devolved administration could contribute to environmental justice among other policy objectives. Although these texts informed this thesis, as unpublished documents, their content is not examined in detail in this Chapter. The Scotland and Northern Ireland Conference on SEA (Table 2.1 No. 36) was organised as part of this thesis studentship. Findings from the conference are employed within this thesis but are not linked to the claims presented by texts in this chapter.

To enable a detailed examination of the source and character of the claims about how SEA can contribute to environmental justice, documents have been grouped. Section 2.1.1 presents an analysis of opinions regarding the broad contribution that SEA can make to environmental justice, focusing on Connelly and Richardson's (2005) journal article (Table 2.1 No.10). Section 2.1.2 then examines the report prepared for the UK branch of Friends of the Earth introduced in Chapter 1 (Table 2.1 No.11, 28). Section 2.2 reviews the development of SEA in Scotland. Section 2.2.1 provides an outline of the SEA process – together with events and documents relating to the development of Scottish SEA. Section 2.2.2 examines the claims made in documents relating the development of Scottish SEA. Section 2.2.3 reviews the work on SEA theory by Jackson and Illsley. In all cases the source and character of the links are reviewed.

2.1.1 Value-driven SEA

Broad links between SEA and environmental justice were first articulated for an academic and policy audience in Connelly and Richardson's (2005) journal article *Value-driven SEA: time for an environmental justice perspective?* Independent of this, a report was prepared for the UK branch of Friends of the Earth (FoE) (Walker *et al* 2005) *Environmental Justice Impact Assessment: An evaluation of requirements and tools for distributional analysis* (the 'FoE Report'). Chapter 1 identified that the FoE Report had been written by a group led by Gordon Walker, two of whom were also involved in the official UK distributional analysis. Gordon Walker also wrote an article stemming from this FoE Report (Walker 2007) and a critical appraisal of this work (Walker In press). This Section examines these documents beginning with Connelly and Richardson's (2005) journal article.

Connelly and Richardson's (2005) journal article *Value-driven SEA: time for an environmental justice perspective?*, is an exposition of the rationale for making environmental justice a policy objective. It mirrors the claims set out in Section 1.2 that the use of the term environmental justice can denote the equity aspects of sustainable development, setting this claim in the context of SEA. Due to its content this article is examined in detail. Connelly and Richardson (2005) recommend that procedures (in this case SEA) should be debated in relation to the 'values' that underpin their implementation. The authors' quote Campbell (Campbell 2002) to provide an explanation of what 'values' are:

> "'Values' here refers to those principles or standards held by individuals or groups which are embodied in their conception of what is good – a consideration of which in planning and decision making leads to a concern with outcomes as well as with procedural fairness, and a rejection of the notion of 'value-free' processes" (Connelly and Richardson 2005, p.392).

Connelly and Richardson argued sustainable development is the guiding principle for SEA – and thus provides SEA's value frame.[44] However, as Section 1.2 reviewed, there is "no well-defined, singular concept – a 'true' sustainable development" (Connelly and Richardson 2005, p.395). Where social justice and environmental protection are viewed as separate components of sustainable development (as in UK policy, HM Government 2005) one or other will often lose in trade-offs between them. Connelly and Richardson propose environmental justice can, on the other hand, draw attention to possible conflicts, pointing

[44] As Section 1.3 noted the SEA Directive has an Objective "to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development" (Article 1). Therefore, the SEA Directive does not necessarily designate sustainable development as a guiding principle for SEA.

towards potentially reconciling such competing aims (2005, p.404). Therefore Connelly and Richardson suggest environmental justice could give a "clearer, less ambiguous normative guidance [to SEA] – essentially by taking a single interpretation of sustainable development from the many that are possible" (2005, p.403).

Connolly and Richardson judge that the debate over what values should guide decision-making is embodied (and perhaps disguised) within one of the different perspectives that underpin procedural debates. Specifically "strong and opposing" opinions exist about whether SEA procedures should be either "expert driven" or "participative". Environmental assessment has its origins in rational planning where assessments are conceived as expert-driven objective processes. Recognition that such "expertise" is itself value laden and subjective has provoked a "participative turn" emphasising the need to engage the public, using deliberative processes that aim to achieve a balance of opinion (participative, collaborative or communicative approaches are conflated in this article). This reflects the "widespread perception" that "more public consultation is required than the one prescribed by the SEA Directive" (João 2005, p.693). This emphasis on the need for engagement echoed broader trends in planning and decision-making.

However, the merits of participative approaches are now being questioned (Owens *et al* 2004). More democracy may not lead to sustainable outcomes because an environmental ethic is unlikely to emerge from the "generally anticollectivist ethos and consumption levels of many contemporary societies" (Connelly and Richardson 2005, p.399). There is no homogenous "public" or "community" from which to obtain views; consultative processes are constructed and can be exclusive, not least to the interests of future stakeholders (to intergenerational equity). This mirrors Thérivel's observation that SEA may tend to engage an "extremely limited and unrepresentative group of people" (Thérivel 2004, p.72).[45]

Although "just" processes and procedures are deemed necessary, Connelly and Richardson claim that environmental justice stresses the importance of outcomes. They use Stephens *et al*'s definition of environmental justice (Box 1.1) to affirm that the interests of "the poorest and least powerful" should be prioritised within SEA (Connelly and Richardson 2005, p.402). Recognising that equitable outcomes from participation may not be possible, environmental justice acknowledges, "What is important is that interests do get represented

[45] Although participation can be exclusive it also has potential to improve the quality of decision by making a wider range of information available.

somehow, not necessarily that actors bearing those interests are involved in the process" (Connelly and Richardson 2005, p.404)[46]. They state:

> "More generally, one might see an addition to the criteria for good-quality SEA that it should include a consideration of environmental justice at every stage in the process. Thus, the scoping stage[47] would include explicit consideration of the possible impacts of policies, plans or programmes on disadvantaged communities, and ensure that their voices were heard in the scoping process. The consideration of alternatives would evaluate candidates in terms of their resulting distribution of environmental goods and bads between different communities of place and interest, and highlight—and give particular weight in the ensuing decision making stage—the impacts on disadvantaged communities. *Similarly, impact assessment would have an explicit distributional component, and the subsequent mitigation proposals would have to ensure that already disadvantaged communities were left no worse off under the proposed plan or programme. Postauditing would become a critical stage in determining the actual distribution of environmental goods and bads*" (Connelly and Richardson 2005, p.405, emphasis added).

The challenge this poses for people doing assessments is recognised, not least that expert and lay inputs must be integrated into the assessment in an "active and reflective" way (Connelly and Richardson 2005, p.406). However, Connelly and Richardson assert that when making "hard trade-offs which are absolutely intrinsic to the idea of sustainable development" environmental justice "gives some guidance on what to do" (2005, p.406). Such opinions parallel Thérivel's suggestion that SEA should take account of "equity". This is done by considering "who wins and loses" from the particular policy, plan or programme, with outcomes documented in the environmental reports (Thérivel *et al* 1992; McLauchlan and Walker 2004; Thérivel 2004, pp.89-90). UK and Scottish SEA guidance,[48] some of which Thérivel wrote (Thérivel *et al* 2004), also includes environmental equity.

However, Thérivel's suggestion that "who wins and loses" should be analysed rests on the particular planning context where SEA is being used. In contrast Connelly and

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[46] Connelly and Richardson adapted a checklist from Walker (Walker 1994) that was used to assess the environmental impact assessment of a project in Australia. They suggested this could provide a "starting point" for discussion about what normative guidelines for SEA should contain:

Does SEA bias decisions against irreversible choices?
Does SEA bias decisions in favour of offering special protection to those who are especially vulnerable to our actions and choices?
Does SEA bias decisions in favour of sustainable rather than one-off benefits? and
Does SEA bias decisions against causing harm, as distinct from merely foregoing benefits? (Connelly and Richardson 2005, p.405)

[47] Scoping is the SEA stage where the scope and level of detail of the information to be included in the Environmental report, the main consultation document, is identified. Section 2.3.1 provides a fuller explanation of SEA procedures.

[48] The first Scottish SEA Guidance featured "environmental equity" as an example of one of seven criteria that had been employed within an assessment (DTA 2003, p.[75]). The UK SEA guidance 'A Draft Practical Guide to the SEA Directive' contained similar considerations (ODPM 2005) – as Chapter 4 discusses further.

Richardson (2005) propose SEA could be "driven by the *recognition* that certain groups tend to systematically lose out in the distribution of environmental goods and bads" (emphasis added, Connelly and Richardson 2005, pp.391, 393). Thus Connelly and Richardson assume environmental injustice exists, rather than suggesting SEA process is used to determine whether or how it exists within particular boundaries. This is why they recommend that environmental justice should be the overall aim or guiding principle for SEA rather than being one of a series of competing objectives.

Central to Connelly and Richardson's argument is that good SEA should be able to take account of distributional consequences of policies, plans and programmes (Connelly and Richardson 2005). However, beyond use of the term "disadvantaged communities" they do not identify who are the "certain groups" that "systematically lose out". Neither do they identify what "environmental goods and bads" such groups lose out on (Connelly and Richardson 2005, pp.391, 393). Section 1.2 identified that these were central questions governing the outcomes of environmental justice as a policy objective. The latter question is answered by SEA legislation. Relevant to this thesis is the SEA Directive, which presents a series of environmental topics for assessment as Box 2.1 indicates.

Box 2.1 Issues that the SEA Directive requires to be considered in relation to the likely significant effects on the environment

"…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 1(f))

However, to enable this thesis to evaluate environmental justice as a policy objective what the "certain groups" are in the context of SEA must be established. Arguably the requirement to assess the impact on the issues set out in Box 2.1 could mean that non-human nature, for example "fauna" and "flora", are recipients of justice in this instance. However, the FoE Report (Walker *et al* 2005), and subsequent article (Walker 2007) tackle the "groups" question – in reviewing how SEA, and a wide range of other appraisal tools, do or can incorporate "distributional analysis".

2.1.2 Requirements and tools for distributional analysis

The authors of the FoE Report and the subsequent article by Walker (2007) considered a wide range of appraisal tools used (or proposed for use) in the UK. They concur with Connelly and Richardson that SEA should have a "specific distributive component" (2005,

p.405), arguing appraisal tools need "an environmental justice perspective, to ensure that distributional considerations are given some status within decision-making" (Walker *et al* 2005, p.37). As Section 1.2 discussed, SEA was identified as the most appropriate tool of the 17 appraisal tools routinely used in the UK to be adapted for distributional analysis. This is because SEA is statutory, is focussed on the environment and has to be widely applied (particularly in Scotland). However:

> "There is no specific requirement for environmental equity appraisal under either the SEA Directive or UNECE SEA protocol – but its inclusion is enabled by their instruments and processes. *Through the process of participatory scoping of themes and objectives, and selecting indicators and targets, environmental equity*[49] *may be included in an SEA if stakeholders see this as important*" (Walker *et al* 2005, p.14, emphasis added).

In the US, as a result of the Executive Order, environmental justice may be explicitly included in environmental assessments of Federal Actions, if assessors deem it a "significant" issue (Bass 1998, p.90). The SEA Directive and United Nations Economic Commission for Europe (UNECE) Protocol do not require equity analysis, however they do require identification of significant effects on "health" and "population" to be assessed.[50] What this means rests on how 'health' is defined, whether this is in terms of the biophysical impacts on people, or health's wider social determinants (e.g. Dahlgren and Whitehead 1991). For example the World Health Organisation's (WHO) definition of health is broad: health is "a complete state of mental health and wellbeing and not merely the absence of disease and infirmity" (WHO 1946).

If emulating the WHO, a broad definition of human health was used in SEA, SEA may have to include many factors that could be defined as economic or social or both (such as income, employment and housing). This would then enable inequities in economic or social factors to be correlated to environmental effects such as those on soil, water or air listed in Box 2.1. The FoE Report identified the population groups relevant to environmental justice as: deprivation or income; gender; age; ethnic; disability; vulnerable groups; and future generations (Walker *et al* 2005). The research indicated uncertainty about whether these groups would be represented in SEA. The FoE Report noted that:

> "the SEA Directive is focused on the environment, and requires a thorough treatment of issues, yet this is done with a view to promoting sustainable development, hence SEA should also include some degree of assessment of social and economic issues. This treatment of social and economic issues

[49] Section 1.2 discussed the distinction between environmental justice and related terms such as environmental equity.

[50] As such, it has been viewed as one mechanism to deal with what is perceived as a general under representation of 'health' within development planning (Higgins *et al* 2005).

> required by the SEA Directive is open to interpretation, and the forthcoming [Office of the Deputy Prime Minister] guidance on SEA and [sustainability appraisal] integration is designed to clarify the issues, with the aim of producing a single, more streamlined system" (Walker *et al* 2005, p.45).

This "streamlining" of assessment processes applied to the UK – but was not recommended in Scotland as discussed further in Section 2.3. The FoE Report identified that the requirement to include "transboundary effects" in SEA means "People in other countries" are covered by SEA. Where a plan or programme may cause significant transboundary effects, the SEA Directive requires those responsible to inform the Secretary of State who then ensures the SEA is integrated with the SEA process in the receiving country (Article 7). As the UK is an island this is not often seen as being relevant (Walker *et al* 2005, p.20). However, "this provision could be used to explore impacts that are not directly transboundary, but relate, for example, to more globalized [*sic*] north-south concerns or impacts arising though climate change on other parts of the world" (Walker 2007, p.6).

Connelly and Richardson's (2005) article, the FoE Report and related journal article present two different, but connected claims, about how SEA can contribute to environmental justice within SEA. First, environmental justice could be viewed as a guide for SEA – in this case, one that is considered clearer and less contentious than sustainable development. Second, that the SEA process has potential to be a mechanism for the analysis of "distributional impacts". Such impacts could then be demonstrated in "outcomes" specifically SEA environmental reports. Views about the usefulness of participation differ. Whether or not distributional analysis is already undertaken within SEA is uncertain. This thesis analyses these views about SEA's potential in relation to the outcomes and implications of promoting environmental justice as a policy objective.

Citing a UK government source, Connelly and Richardson stated, "the growing concern for environmental justice, at least in the UK, is divorced from the parallel development of SEA policy" (2005, p.402). However, Table 2.1 lists references to environmental justice that were made throughout the development of Scottish SEA by Government sources, non-departmental public bodies and non-governmental organisations (NGOs) intending to influence the development of legislation.[51] The next section introduces SEA in Scotland, highlighting links made between environmental justice and the introduction of SEA.

[51] Notably Connelly and Richardson's (2005) article, although available online in December 2004, was first received for review by the journal in February 2004. When Connelly and Richardson first drafted the article many of the documents connecting environmental justice and SEA in Scotland (Table 2.1) were not available for them to consider.

2.2 SEA in Scotland

Scotland is used as the case study for this thesis examination of environmental justice as a policy objective. To provide necessary background information this Section describes how SEA in Scotland developed. Section 2.2.1 provides an outline of the SEA procedure and administration of Scottish SEA, Section 2.2.2 then reviews documents concerned with the development of Scottish SEA (Table 2.1 No. 1-7, 9, 12-16, 19 and 20) to discuss SEA as a means to contribute to environmental justice as a policy objective. Section 2.2.3 follows by reviewing those documents specifically linked to the body of work on SEA theory by Scottish academics Jackson and Illsley (Table 2.1 No. 17, 21, 23-27, 29-33 and 35).

The SEA Directive drove the creation of English, Scottish, Northern Irish and Welsh SEA Regulations (references are available in the List of statutes). Where a plan or programme applies to more than one UK devolved administration, the English regulations apply. As Section 1.3 identified, a Scottish Liberal Democrat and Scottish Labour Party coalition governed Scotland from 1999-2007. The coalition's first programme for Government pledged to "Introduce strategic environmental assessment for Government programmes" (Scottish Executive 1999, p.16[17]). The second programme or Partnership Agreement pledged to extend SEA to "all new strategies, programmes and plans." The commitment, set out in full in Box 2.2, echoes the Liberal Democrat's 1999 and 2003 election manifestos (Scottish Liberal Democrats 1999; 2003).

Box 2.2 The commitment to extend SEA contained in the Scottish Executive's Partnership Agreement – their programme for Government from 2003-2007

We will 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.

(Scottish Executive 2003a, p.48[47])

In 2004 this inspired Liberal Democrat Rural Development and Environment Minister, Ross Finnie, to introduce the Environmental Assessment (Scotland) Bill – the 'SEA Bill'. The SEA Bill when passed became the Environmental Assessment (Scotland) Act 2005[52], the SEA Act. The Scottish Parliament indicated that extending SEA through primary legislation enabled wide public consultation and acknowledged the importance of SEA in Scotland (Scottish Parliament 2005c).

The SEA Act extends the Scottish SEA requirements to a broader range of plans and programmes than that required by the SEA Directive. To fulfil the Partnership Agreement

[52] One of 66 Bills passed in the Parliament's 2003-2007 Session (Scottish Parliament 2008a).

commitment (Box 2.2) the SEA Act states, "In this Act, any reference to plans or programmes includes strategies" (Section 4(4)). The reference to strategies has lead to the assumption that SEA in Scotland applies to "policies" (João 2005; Burbridge 2006; Jackson and Illsley 2007). This was seen to remedy a limitation of the SEA Directive which "does not apply to policies, which set the framework for plans or programmes"(Thérivel *et al* 2004, p.33). Jackson identified that the "extension of the role of SEA" is seen "as the flagship of Scotland's commitment to sustainable development" (Jackson and Dixon 2006, p.91; Jackson and Illsley 2006, p.369). Citing information sources and responses to consultation that describe it as "a major advance in public policy" (SEEG 2005a, paragraph 2.6) that will put "Scotland ahead of Europe in the protection we afford to the environment" (SEIS 2005).

The proposal to extend SEA first appeared in *Voting for the Environment*, a short publication produced by the Royal Society for the Protection of Birds (RSPB), written prior to the Scottish Parliament's inauguration (RSPB Undated [1999]). The RSPB is a UK charity, a Non-governmental organisation (NGO), supporting the conservation of wild birds and the environment in general. This powerful NGO[53] is the only UK NGO to have paid staff dedicated to environmental assessment policy and practice (Ali 2008). The RSPB is one of over a 100 conservation organisations that form the partnership BirdLife International that lobby at the level of the European Parliament (BirdLife International 2009).

Table 2.2 shows events in the development of SEA in Scotland from the start of the SEA Bill process in 2004. Scottish Environment Link, the forum for Scotland's 34 voluntary environmental organisations, lobbied heavily for the Scottish extension of SEA. Scottish Environment Link's engagement with the SEA Bill was taken forward by the RSPB together with Friends of the Earth Scotland (FoES). Engagement with the SEA Bill included giving evidence at the committee stages and responding to consultation – as the list of documents in Table 2.1 represents.

In a consultation document on the SEA Bill, the Scottish Executive proposed different administrative structures to oversee the Scottish SEA process. Including "a separate screening authority/agency… with a duty to reach decisions on whether SEA is required" (Scottish Executive 2003c, p.21). This prompted NGOs – the Woodland Trust for Scotland, FoES, and RSPB – to call for a dedicated, independent body to supervise SEA (Reid 2004b). Subsequently Scottish Environment Link lobbied for such an independent body. They commissioned an independent report on the subject for review by the committee (McLauchlan and João 2005), and highlighted accountability benefits in press statements (Scottish Environment Link 2005).

[53] The RSPB has over one million UK members, more than the membership of all UK political parties put together (Ali 2008).

Table 2.2 A chronology of key events in the development of Scottish SEA (from the development of the SEA Bill (Sep 04 – Oct 09)

Date	*Title*	*Organiser*	*Speakers names and organisations (organisations are italicised)*	*Location*
13 Sep 04	SEA Leading the Way in Europe (Consultation on the SEA Bill)*	Holyrood, Scottish Executive, Consultation Authorities	Geoff Aitkenhead, *Scottish Water* Bill Band, *Scottish Natural Heritage (SNH)* Sarah Boyack, *Member of the Scottish Parliament* George Burgess, *Scottish Executive* Amanda Chisholm, *Historic Scotland* Neil Deasley, *Scottish Environment Protection Agency (SEPA)* Pamela Ewen, *Fife Council* Ross Finnie, *Scottish Executive* Mike Foulis, *Scottish Executive* Anne McCall, *Royal Society for the Protection of Birds (RSPB)* Jon Rathjen, *Scottish Executive* John Smith (presentation by Angela Jones), *Jacobs Babtie* Roger Smithson, *Office of the Deputy Prime Minister (ODPM)* Alan Speedie, *Sustainable Scotland Network* Brian Taylor, *BBC* Riki Thérivel, *Levett-Therivel*	The Royal Museum, Edinburgh
10 Feb 05	Scottish Executive Workshop on Environmental Assessment Templates*	Scottish Executive	Jon Rathjen, *Scottish Executive* Riki Thérivel, *Levett-Therivel* Workshop leaders: Neil Deasley, *SEPA* Veronica Burbridge, *SNH* Elsa João, *University of Strathclyde* Fiona Harris, *West Dunbartonshire Council*	King's Manor Hotel, Edinburgh
2 Mar – 24 Jun 05	Environmental Assessment (Scotland) Bill: Stage 1[1]	Scottish Parliament	Meetings of the Finance Committee and the Environment and Rural Development Committee of the Scottish Parliament	Scottish Parliament, Edinburgh
14 Sep 05	Environmental Assessment (Scotland) Bill: Stage 2*[1]	Scottish Parliament	Meeting of the Environment and Rural Development Committee of the Scottish Parliament	Scottish Parliament, Edinburgh
9 Nov 05	Environmental Assessment (Scotland) Bill: Stage 3[1]	Scottish Parliament	Bill passed by the Scottish Parliament	Scottish Parliament, Edinburgh
26 Sep 06	The Launch of the Scottish Executive's Guidance on Strategic Environmental Assessment	Scottish Executive	Rob Edwards, *Sunday Herald* Ross Finnie, *Scottish Executive* Sandy Cameron, *Scottish Executive* William Carlin, *Scottish Executive* Neil Deasley, *SEPA* Elsa João, *University of Strathclyde* Hamish Trench, *The Cairngorms National Park Authority* Clare Chalmers, *Glasgow City Council* Adrian Johnson, *MWH Global* Barbara Carroll, *enfusion* Natasha Madeira, *EnviroCentre* Bill Band, *SNH* Amanda Chisholm, *Historic Scotland*	The Corn Exchange, Edinburgh
27 Nov 06	Strategic Environmental Assessment and Health Seminar*	Paul Fischer, Health Protection Agency	Gary Coleman, *Health Protection Agency* Roger Smithson, *Department for Communities and Local Government* Lucia Susani, *Environment Agency* Colleen Williams, *Department of Health* Paul Tomlinson, *Transport Research Laboratory*	Queen Elizabeth Postgraduate Centre, Birmingham
			Paul Fisher, *Health Protection Agency* Martin Higgins, *National Health Service (NHS) Lothian* Paul Trueman, *York Health Economics Consortium* Ben Cave, *Ben Cave Associates* Nannerl Herriot, *Department of Health* Mark Tebboth, *Cardiff Council* John Kemm, *West Midlands Public Health Observatory* Andrew Kibble, *Health Protection Agency*	
30 Jan 07	Strategic Environmental Assessment: Moving on*	SEA Consultation Authorities	Amanda Chisholm, *Historic Scotland* Neil Deasley, *SEPA*	SNH, Battleby, Redgorton, Perth
13 Jul 07	EIA and SEA as Design Tools*	IAIA/ Historic Scotland	Amanda Chisholm, *Historic Scotland* Gordon Masterton, *Institute of Civil Engineers* Ross Marshall, *Environment Agency* Annie Say, *Natural Capital* Dean Kerwick-Chrisp, *Highways Agency* Simon Young, *Jacobs* Iain Bell, *Faber Maunsell* Bernadette McKell, *Hamilton McGregor* Lily Linge, *Historic Scotland*	Edinburgh Castle, Edinburgh
14, 21 and 28 May 08	Towards World Leadership in Environmental Assessment*	Ian Hossack (North Ayrshire Council), Gen Cannibal (CASA), Elsa João and Caroline Scott (both University of Strathclyde)	Thomas Fischer, *University of Liverpool* Dan Barlow, *World Wildlife Fund for Nature (WWF)* Fiona Simpson, *Scottish Government* (All spoke on 21 May)	University of Strathclyde, Glasgow
9 Jun 08	Consultation launch for the Scotland and Northern Ireland Forum For Environmental Research (SNIFFER) SEA draft guidance on air, water and soil*[2]	SNIFFER	Helen Simcox, *SNIFFER* Jo Duncan, *SEPA* Natasha Madeira, *EnviroCentre* Neil Deasley, *SEPA* Cath Preston, *SEPA* Mark Aitken, *SEPA* Colin Gillespie, *South Lanarkshire Council*	Festival Theatre, Edinburgh
20 Oct 08	Scotland and Northern Ireland Conference on SEA: Getting Better Value from SEA*	Anna McLauchlan *University of Strathclyde*	Elsa João, *University of Strathclyde* William Carlin, *Scottish Government* Sharon Turner, *Queen's University, Belfast* Ciára Duffy and Graham Esson, *Perth and Kinross Council* Mariam Ali, *RSPB* Andrea Ross, *University of Dundee* Mark Poustie, *University of Strathclyde*	St Andrew's in the Square, Glasgow
3 Nov 09	SEA Forum*	Scottish Government	Fiona Simpson, William Carlin, Amanda Chisholm, Lewis Hurley, *All Scottish Government* Neil Deasley *SEPA*	Scottish Government, Victoria Quay, Edinburgh

Note: Copies of event documentation include programmes and agendas, electronic or hard copies of any presentations made, background information about participants, and reports summarising the content of the event were collected.
* Indicates that I attended the events and that I either took notes or made audio recordings of the proceedings.
[1] A description of the stages in the progress of a Bill (draft legislation) is available from the Scottish Parliament (2008b).
[2] The guidance was launched at the event Strategic Environmental Assessment Guidance for practitioners on how to take account of Air, Soil and Water which took place at The Innovation Centre, Northern Ireland Science Park, Belfast on 21 Sep 2009, 10:30am–1pm.

As a result, the Scottish Executive set up the SEA Gateway in 2004 "to help ensure that information on SEA activities is transparent and accessible" (Scottish Executive 2006e). Section 2.2.1 provides further details about the SEA Gateway's functions. The SEA Gateway was one of several Scottish "pioneering initiatives… all unique in the UK" (Finnie 2005, p.5). These pioneering initiatives included templates to assist with preparing reports and research into the practice of SEA. The research, known as the 'Pathfinder Project', followed the SEA process of seven public bodies. As a result of these "pioneering initiatives" Ross Finnie, the Minister who introduced the SEA Bill, stated "Scotland is in the vanguard in terms of providing innovative support mechanisms to SEA practitioners" (Finnie 2005, p.5).

Although the SEA Gateway is "unique", several countries have bodies that are established by legislation to provide advisory services for environmental assessment, enabling the public to access information. The most developed examples are to be found in the Netherlands[54] and Canada.[55] Additionally, Hong Kong,[56] and the Czech Republic[57] have publicly available registers of project Environmental Impact Assessment (EIA). In all cases these organisations provide information about what SEA has been undertaken.

Table 2.2 also lists other groups with an active interest in SEA in Scotland. In particular the University of Strathclyde, Glasgow, has organised events and provided SEA training for Masters Students, representatives from local government and members of Scottish Environment Link. An outcome from the May 08 World Leadership in Effective Environmental Assessment event in University of Strathclyde, was to identify limited public engagement in SEA as a "threat to the process" (Hossack 2008, p.7).

Although Table 2.2 lists the main SEA events, SEA was also promoted via a range of other activities. For example, Scottish SEA practitioners, largely from West of Scotland Local Authorities, have quarterly meetings to discuss SEA (e.g. WoSSWG 2007). Other organisations, such as the environmental consultancy EnviroCentre, also undertook SEA training (EnviroCentre representative, pers. comm., 11 Sep 07). So that further links to environmental justice can be evaluated, Section 2.2.1 now provides an overview of SEA procedures.

[54] With the work of the Netherlands Commission for Environmental Assessment.
[55] The Canadian Environment Assessment Agency was set up as a result of the Canadian Environmental Assessment Act.
[56] Enshrined in the Environmental Impact Assessment Ordinance
[57] Motivated by the Act on Environmental Impact Assessment of Development Conceptions and Programmes

2.2.1 SEA Procedures

Understanding the detailed claims of how SEA can contribute to environmental justice requires a familiarity with SEA procedures. SEA procedures, driven by the SEA Directive, are broadly the same no matter whether SEA is undertaken as a result of SEA regulations active in the UK or the SEA Act. This section provides an overview of these procedures focusing on their operation in Scotland. SEAs are undertaken of certain plans or programmes taken forward by an authority (SEA Directive Art.2(a)). In the UK the authority is known as a Responsible Authority. A Responsible Authority can contract a third party to prepare the SEA, or elements of an SEA. Invariably this third party will be an environmental consultant.

Box 2.3 provides a simplified description of the generic stages of SEA as it operates in the UK, indicating reporting requirements. Documents are produced at each of these sequential stages. The first stage is Screening (a term not used by the SEA Directive), where the Responsible Authority determines whether the plan or programme is likely to have significant environmental effects and therefore whether SEA is required. "Significance" is defined by using a set of criteria set out by the SEA Directive then mirrored in national legislation (Annex II).

Box 2.3 The generic stages of SEA focussing on the documents produced. In Scotland, as a result of the SEA Act, plan or programme includes 'strategies'

Screening	The Responsible Authority prepares a summary of views about whether the plan or programme is likely to have significant environmental effects and whether an SEA is required. On the basis of this summary, the Responsible Authority seeks advice from Statutory Consultees about whether the plan or programme is likely to have significant environmental effects.
Scoping	The Responsible Authority sends details to the Statutory Consultees so that they may form an opinion about the scope and level of detail of the information to be included in the environmental report and the consultation period on the environmental report. The Consultation Authorities comment on these details.
Environmental report	Preparing an environmental report which sets out the likely significant effects on the environment of the plan or programme and the effects of its reasonable alternatives. Public consultation on the environmental report.
Adoption	Preparing a statement providing information on: the adopted plan or programme; how consultation comments on the environmental report have been taken into account; methods for monitoring the significant environmental effects of the plan or programme.
Monitoring	Monitoring significant environmental effects of the plan or programme and taking appropriate remedial action for any unforeseen significant environmental effects.

Prior to the Responsible Authority making a determination about whether SEA is required, views must be sought from Statutory Consultees about whether the plan or programme is

likely to have significant environmental effects (SEA Directive, Art.3,6, Art. 6,3). Statutory Consultees are chosen for their environmental expertise (SEA Directive, Art. 6,3). In Scotland the Statutory Consultees, known as Consultation Authorities, are:

- The Scottish Ministers, who have designated Historic Scotland to act on their behalf on matters affecting the historic environment;
- Scottish Environment Protection Agency (SEPA); and
- Scottish Natural Heritage (SNH) (SEA Act, s.3(1)).

Historic Scotland is an Executive Agency (part of the Scottish Executive and now Scottish Government) whereas SEPA and SNH are Non-Departmental Public Bodies – independent from Government, whilst still receiving funds and direction from Government. In England, Wales and Northern Ireland the Statutory Consultees are known as Consultation Bodies. In Northern Ireland there is one Consultation Body, the Department of the Environment (Northern Irish SEA Regulations Part 1, 4(2)).[58]

Certain plans and programmes automatically qualify for SEA and in these cases Screening is not required (SEA Directive Art. 3). Plans and programmes then progress straight to Scoping, the second stage of SEA (again a term not used by the SEA Directive). The output from Scoping (normally a scoping report) sets out the detail of the information to be included in the environmental report. In Scotland, Statutory Consultees are to be consulted on the information provided (SEA Directive Art 5,4). In Scotland the Consultation Authorities are required to respond and their views must be taken into account (Scottish SEA Regulation s.17; SEA Act s.15). However, weaker provisions exist for the rest of the UK.

Each Statutory Consultee has particular expertise. Box 2.1 listed the issues that the SEA Directive indicated must be assessed. Table 2.3 shows the primary and supplementary environmental expertise of the Scottish Consultation Authorities. Statutory Consultees are also public bodies taking forward their own plans – so when one of them is a Responsible Authority their consultation duties at Screening and Scoping are taken over by the other Statutory Consultees (this is not directly required by the SEA Directive but is by the UK (Part 1 4(5)), Scottish (Part 1 5(2)), Northern Irish Regulations (Part 1 4(2)) and the SEA Act (s.3(2))). This means that potentially Statutory Consultees will receive no independent advice about topics in their area of expertise when they are taking forward their own plans

[58] In the UK more generally the statutory consultees (known as consultation bodies) are the Countryside Agency; the Historic Buildings and Monuments Commission for England (English Heritage); English Nature; and the Environment Agency (UK SEA Regulations Part 1, 4(1)). The Countryside Agency and English Nature have since been merged with parts of the Rural Development Service, to form Natural England (1 October 2006) as a result of the Natural Environment and Rural Communities Act 2006.

and programmes. This lack of independence is of particular relevance to Northern Ireland where there is only one Statutory Consultee.

The SEA Directive requires that the "interrelationship between" the issues is taken into account and the Consultation Authorities have indicated that their roles may overlap (Historic Scotland 2005). Table 2.3 states that SEPA and SNH can support the assessment of human health[59] but no Consultation Authority has primary expertise in health. The Consultation Authorities, the Scottish Executive and the Scottish Government identified SEPA as the consultee for soil, water, air and human health. During the progress of the SEA Act, SEPA stated "We have limited competence in the field of health and our knowledge of it is not as all encompassing as SEA may require in certain instances" (Scottish Parliament 2005a).[60]

Table 2.3 The Consultation Authorities expertise in the environmental issues stipulated within the SEA Directive, whether this expertise is their primary area of interest or supplementary (Historic Scotland 2005; Scottish Government 2009a)

Environmental Issues	*Consultation Authorities*		
	Historic Scotland	*Scottish Environmental Protection Agency (SEPA)*	*Scottish Natural Heritage (SNH)*
biodiversity	-	O	✓
population	-	-	-
human health	-	O	O
fauna	-	-	✓
flora	O	-	-
soil	-	✓	O
water	O	✓	O
air	-	✓	-
climatic factors	-	O	-
material assets	-	O	O
cultural heritage*	✓	-	-
landscape	✓	-	✓

*includes architectural and archaeological heritage

KEY

✓ Primary expertise in environmental issue

O Supplementary expertise in environmental issue

\- No expertise in environmental issue

However, SEA in Scotland was recommended not to focus on a broad definition of health because this would require inclusion of social and economic factors. The Scottish Executive stated: "consideration of social and economic factors is important to the quality of public policy making", but their "inclusion in environmental reports risks obscuring the

[59] It is also clear that other environmental factors such as climatic factors, material assets etc. are also labelled as supporting issues. Also, there is no explicit body dealing with 'population' although that depends on how that term is interpreted.

[60] SEPA does consider human health under its regulatory activities, for example in relation to determining licences for certain industrial activities and installations that may cause pollution as a result of the Pollution Prevention and Control (Scotland) Regulations 2000. In this case the "limited competence" may relate to broader interpretations of health.

environmental considerations that we are setting out to identify" (SEEG 2005a, s.3.41). Therefore, unlike England and Wales, the requirement for SEA was kept separate from a broader Sustainability Appraisal. This connects to general debate about whether SEA, driven by the SEA Directive, should take account of social or economic factors to fulfil its objective of "promoting sustainable development" (SEA Directive Art.1; Thérivel 2004).

The Scottish Parliament stated, "Responsible Authorities may choose to assess social and economic effects of their strategies, plans and programmes in addition to environmental effects but this is not part of the SEA provisions" (Scottish Parliament 2005d, p.11). Human health was included in Scottish Guidance, the SEA Tool Kit.[61] However, it provided a narrow definition of health, being predominantly concerned with biophysical impacts (as Chapter 4 discusses further).

These comments again highlight a contradiction. SEA may need to consider social and economic effects to take account of environmental justice. No Consultation Authority was given a duty to directly tackle environmental justice within SEA. Information explaining the role of the Consultation Authorities makes no reference to environmental justice (Historic Scotland 2005). However, as Chapter 1 discussed, two out of seven actions relating to social and environmental justice set out in guidance on Sustainable Development and issued to SEPA by the Scottish Executive are of potential relevance – "SEPA will use its statutory powers to… prevent environmental burdens falling disproportionately on particular (vulnerable) communities or sectors of society" and "encourage and inform public participation" (SEEG 2004c, p.7).

This lack of Consultation Authority expertise on health reflects the more general UK recognition that assessors will lack human health expertise. The Scotland and Northern Ireland Forum For Environmental Research (SNIFFER) initiated a project to produce practical guidance for assessors on how to take account of air, water, soil and human health (SNIFFER 2006). However, the Department of Health and the Health Protection Agency launched draft guidance on SEA and Health for England in November 2006 (Table 2.2). In response to this guidance, the SNIFFER project was restricted to air, water and soil – the project launch was in November 2009 (Table 2.2).

In Scotland and Northern Ireland where the Responsible Authority and Statutory Consultees disagree about the potential significant environmental effects at Screening, the judgement about whether or not the plan or programme has significant environmental effects can be referred to a higher decision making body (Northern Irish SEA Regulations Part II

[61] Not because of its "greater importance than other environmental issues, but that most Responsible Authorities had little or no experience of assessing human health in an environment context" (Scottish Executive 2006e, p.4[139]).

9(7); SEA Act 9(6)). In Scotland the Scottish Ministers decide, whereas in Northern Ireland it is the Statutory Consultee. Again this highlights a potential conflict of interest in Northern Ireland, where the sole Statutory Consultee is preparing a plan or programme.

The third stage of SEA is the preparation of an environmental report that sets out the effects on the environment of the plan or programme together with reasonable alternatives to the plan or programme (SEA Directive Art.5). The environmental report is put out to public consultation at the same time as the draft plan or programme. In terms of who are the "public" that must be consulted, the SEA Directive states "the public shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups" (Art. 2(d)). This follows the definition employed in the Aarhus convention, thus "the public" for the purposes of the SEA Directive potentially encompasses associations, organisation and groups (including NGO's). Scottish Consultation Authorities have indicated they will respond to consultations on environmental reports (Historic Scotland 2005), however, it is not a statutory requirement.

When consultations are completed, a statement is prepared (SEA Directive, Art. 9) showing how the environmental report and the outcomes from a consultation have been taken into account during the preparation of the plan or programme. This statement is known as a 'post adoption statement'. Once the plan or programme has been adopted, the significant environmental effects of its implementation must be monitored (SEA Directive Art.10).[62] This assists with determining the competence of measures to mitigate environmental effects, and enables unforeseen adverse environmental effects to be identified at an early stage.

In Scotland – as a result of the SEA Act – plans and programmes thought likely to have "no or minimal" significant environmental effects are exempt and can be pre-screened. This means that an assessment does not need to be carried out. Scottish SEA Guidance, the SEA Tool Kit, recommends that pre-screening uses the existing criteria for determining significant environmental effects normally employed at screening (SEA Act, Schedule 2 paralleling Annex II of the SEA Directive). The SEA Tool Kit also recommends that pre-screening follows the same process as screening. The Consultation Authorities must be sent the Pre-screening statement; however, they are not required to respond.

The SEA Act requires that Scottish Ministers prepare a pre-screening register (s.7 (5)) together with an annual report to Parliament about their functions under the SEA Act and also activities carried out in relation to environmental assessments (s.20(1)(a)). The SEA Gateway (introduced in Section 1.3) also undertakes Scottish Ministers' SEA functions

[62] Measures for monitoring must be described in the environmental report but otherwise do not require to be reported.

under the SEA Act. This includes arbitrating on Screening where there is disagreement between the Responsible Authority and the Consultation Authority and also maintaining an online register of pre-screening for public inspection.

The SEA Gateway's primary function is to co-ordinate the consultation process that requires fielding all correspondence between Responsible Authorities and Consultation Authorities. The SEA Gateway's role in both the co-ordination of documents and record keeping implicitly parallel that of the US Interagency Working Group on Environmental Justice (CEQ 1997; USEPA 1998) that serves as a:

> "clearinghouse by coordinating data collection and reports to the President on environmental justice strategies. In addition, the clearinghouse has provided assistance to [draft environmental impact statement] preparers [*sic*] on the definitions of terms in the executive order such as "minority, "minority-population", "low-income population" and "disproportionately high and adverse human health effects" (Rose *et al* 2005, p.236).

Similarly the SEA Gateway provides: advice and information about the administration of SEA; develops the Government SEA web pages; and oversees ongoing development of Scottish SEA Guidance, the SEA Tool Kit, which includes SEA templates (Scottish Executive 2006e). Each Consultation Authority has its own Gateway where they receive SEA correspondence (described in greater detail in Section 3.3.1). Section 2.2.2 examines the claims made for how these legislative and administrative procedures were considered to have potential to contribute to the policy objective, environmental justice.

2.2.2 A principal tool for delivering both strands of environmental justice

The Scottish Executive's 2005 review of progress on environmental justice stated that SEA was "a principal tool for delivering both strands of environmental justice" (SEEG 2005b); a view implicit throughout the development of Scottish SEA.[63] This Section examines claims about how SEA in Scotland could contribute to both the distributive and procedural strands of environmental justice by examining the content of the Scottish documents listed in Table 2.1. The claims parallel those in Section 2.2 – contextual information about the exact nature

[63] For example two briefings by the Scottish Parliament Information Centre (SPICe) make reference to environmental justice. The first SPICe briefing was published to coincide with the Environment and Rural Development Committee's scrutiny of the Scottish SEA Regulations (Reid 2004b). Its appendix presents an example from the environmental report of a voluntary SEA prepared for the first non-statutory National Planning Framework (NPF). The NPF provides "guidance on the spatial development of Scotland until 2025" (Scottish Executive 2004a). The second NPF, which is statutory, was available in June 2009 (Scottish Government 2009c). The assessment of the aims of the first NPF states: "a commitment to environmental justice can ensure improved living environments and better health for disadvantaged communities" (Reid 2004b, p.19). How environmental justice can "ensure improved living environmental and better health" is not indicated.

of the claims, and who made them, is necessary to assess the broader implications of promoting environmental justice as a policy objective.

The connection between the distributive strand of environmental justice and SEA was first clearly stated at the Healthy Environment Network (HEN) meeting in November 2003. In this meeting, links were made between environmental justice, planning and health (also listed in Table 1.1) "within the context of the socio-ecological model of health"[64] (the minutes are listed in Table 2.1, No.4). Emily Postan, the Scottish Executive Environmental Justice Officer, discussed the distributional analysis undertaken within the SNIFFER Study, linking this to SEA (HEN 2003, pp.8-9). Highlighting "the need for sound research on [environmental justice]… to render data into a shape and form which people can understand" adding that SEA "should fulfil some of these requirements" (HEN 2003, pp.8-9). This comment indicated SEA was viewed as a research process that could contribute to environmental justice.

During the development of legislation a Scottish Parliament Information Centre (SPICe) briefing, prepared to inform the progress of the SEA Bill (Reid 2005a, p.5), noted widespread support for the principles of the SEA Bill and connected this with environmental justice. The claim of "widespread support" was endorsed by a summary of consultation responses on the SEA Bill.[65] However, the consultation responses were from FoES and Scottish Environment Link. As already noted FoES is part of Scottish Environment Link and arguably drove the references to environmental justice in Scottish Environment Link documents. So this link was effectively made by one organisation, FoES. FoES emphasised the need for SEA to take account of environmental justice in consultations concerning the development of Scottish SEA. Supporting the extension of SEA via the SEA Act they claimed that:

> "Robust implementation of SEA can play a critical role in the delivery of sustainable development and environmental justice in Scotland. Central to this implementation must be the following:
> - Effective mechanisms for public involvement in the scrutiny and analysis of plans, programmes and strategies.
> - Full consideration given to human health and distributive effects, i.e. as within the Annex II listing as 'the risks to human health or the environment' 'exceeded environmental quality standards or limit values'.
> - Practical application of the precautionary principle within, and as a result of SEA.

[64] Speakers included Neil Deasley (SEPA), Eurig Scandrett (FoES), Gordon Walker (Lancaster University) and Emily Postan (Scottish Executive).

[65] "Respondents recognise the contribution SEA will make to environmental protection, the quality of public policy and decision making, open government and environmental justice" (SEEG 2005a, p.1; also p.8).
This re-stated a comment by FoES that going "beyond the requirements of the European Regulations and Directive… can make a significant contribution towards sustainable development and environmental justice."

- Thorough post implementation monitoring, data accumulation and validation"

(FoES 2004, p.1)

Unlike Connelly and Richardson (2005) no potential conflict was registered between a general commitment to sustainable development and environmental justice. Again, the need to consider "human health and distributive effects" in support of distributive environmental justice is asserted. FoES further recommendations state that "it is essential that an appropriate health body be consulted during the screening and SEA development process" (FoES 2004, p.1).

As Table 2.3 indicated, the Scottish Consultation Authorities – Historic Scotland, SNH and SEPA – do not have specific expertise in human health (Scottish Parliament 2005a). Neil Deasley, from SEPA, has overseen all SEPAs engagement with SEA since 2001 (pers. comm., 09). Deasley also made the link between environmental justice assessment of health impacts within SEA and connected environmental justice with the need for SEA to assess cumulative impacts (Deasley 2003; HEN 2003, p.5). This reflects the concern by FoES (2004, p.1) that "environmental quality standards or limit values" should not be exceeded. Poustie (2004) also connected SEA to the potential assessment of cumulative effects.[66] The importance, but also difficulty, of assessing cumulative effects is a subject often tackled in literature on environmental justice (e.g. Kreig and Faber 2004; Walker *et al* 2005b) and is discussed in greater detail in Chapter 4.

Deasley first made this connection between environmental justice and SEA in an article in the SEPAs corporate magazine, *SEPAView*, in 2003. This followed an earlier article by Charleson and Kind (2003) providing information about environmental justice and its implications for SEPA. The submission by FoES viewed the need to consider transboundary effects as "critical to the delivery of environmental justice" (FoES 2005, p.6). Scottish Environment Link also noted that in terms of contributing to environmental justice "this system may be unable to address environmental effects on health or across boundaries." (Scottish Environment Link 2005, p.3). Additionally:

> "The requirement for transboundary effects to be considered is critical to the delivery of environmental justice. Greater flexibility in selecting appropriate

[66] However prior to the HEN meeting, it had been claimed the commitment to environmental justice could be tackled via SEAs "consideration of the effects on population health and cumulative environmental impacts". In SEPAView, SEPAs corporate magazine, Neil Deasley (of SEPA) linked the Partnership Agreement intention to extend SEA (Box 2.1) to its aim "to place environmental concerns at the heart of public policy and secure environmental justice" (Box 1.2). The result of the extension of SEA is that: "Scotland will have a more comprehensive *and inclusive* approach to SEA than perhaps any other part of Europe and may emerge as a European leader in this field". (Deasley 2003, pp.16-17, emphasis added). Beyond the Scottish extension SEA, the detail of how SEA will contribute to environmental justice is not explored.

> Consultation Authorities may be an appropriate function for the SEA Gateway or an independent SEA body" (Scottish Environment Link 2005, p.3).[67]

This statement that additional consultation bodies may be needed, also reflects the comments by FoES that consultation may be required with "the public" out with Scotland for "specific proposals" (FoES 2005, p.6). Thus echoing the FoE Reports and Walker's (Walker 2007) comments that SEA could take account of transboundary effects as a way to address "north-south concerns."

The Scottish debate about SEA ,echoed links identified in Chapter 1, between public participation and the Aarhus Convention (Poustie 2004, p.37[38]) and the potential for SEA to facilitate public involvement (Poustie 2004, p.96[97]). In particular, the need to engage people more effectively at a strategic rather than tactical levels where there tends to be most participation. Ross Finnie, the Minister who introduced the SEA Bill, made a stronger connection in the 'Environment Quarterly' supplement of the Holyrood Policy Journal – a magazine with a wide political readership.[68] The front cover states that "Ross Finnie MSP explains why we have the most ambitious programme foe [*sic*] sustainable development ever." The article is prefaced with the Partnership Agreement commitment, Box 1.2, and states:

> "SEA will give new opportunities for public involvement and scrutiny, increasing the transparency of public decision making – a significant step in our drive for environmental justice" (Finnie 2003, p.7).

This was a comment later picked up by FoES as the previous quote indicated. In a section devoted to SEA it states that while "Government can set the framework and define the objectives, delivery will depend on civic Scotland taking ownership of the agenda we have outlined" (Finnie 2003, p.4). Just prior to the Bill being passed Ross Finnie stated:

> "Strategic environmental assessment will further enhance public participation in decision making. The bill will do that by extending public consultation and by requiring that consultees' comments must be taken into account. Therefore, strategic environmental assessment has the potential to render public decision making more inclusive and accessible. That puts SEA right at the heart of our drive for environmental justice" (Ross Finnie, Scottish Parliament 2005d, Col 20468)[69].

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[67] Similar sentiments can also be found in earlier responses to SEA consultations (Scottish Environment Link 2004, p.5).

[68] The Journal is now called Holyrood Magazine and is received by all Members of the Scottish Parliament (MSPs), Chief Executives of Scotland's 32 Local Authorities together Local Authorities tiers 1 and 2 (some Councils take additional copies for councillors' meeting rooms), some Non-Departmental Public Bodies, Senior Civil Servants within the Scottish Government (and previously the Scottish Executive), all Scottish Members of Parliament at Westminster, the Westminster Cabinet and the Shadow Cabinet at Westminster. (Representative of Holyrood Magazine Sales Department, pers. comm., 7 Dec 09).

[69] In the same Session Rosie Kane, Scottish Socialist MSP, discussed the wording of the SEA Bill, particularly "minimal effect" in relation to the promise of the Scottish Parliament "on many occasions to ensure environmental justice" (Scottish Parliament 2005d, Col. 20443).

A Policy memorandum[70] to the SEA Bill setting out its potential policy impact also linked environmental justice to expert and public consultation. The context was "greater openness and transparency of decision-making" and "essential" within this were the procedures for post-adoption (described in Section 2.1, Box 2.1) (Scottish Parliament 2005d, p.8):

> "This step [of post adoption] demonstrates that consultation is an active participatory process that delivers real change and shows how everyone can influence strategies, plans and programmes that affect them. The taking into account of views expressed by those affected supports the ongoing drive for Environmental Justice" (Scottish Parliament 2005d, p.8).

Emily Postan, Scottish Executive Environmental Justice Officer, also emphasised the need for SEA to be carried out alongside the plan to support environmental justice; "SEA has to include a non-technical summary of the issues considered and must be open, clear and comprehensible to the public to allow wider participation in decision making" (HEN 2003, p.9). This comment reflects the need to communicate the message from SEA to the public to enable participation.

However, consultation on the environmental report is the only legislative opportunity to involve the public in SEA. The public can also participate in SEA by challenging how SEA procedures have been carried out via Judicial Review. In addition, the SEA Gateway has a number of functions that could be seen to enable public "scrutiny" of the SEA process, namely, the record keeping resulting from co-ordination of consultations between Responsible Authorities and the Consultation Authorities and preparation and maintenance of the pre-screening register (as required by Section 7 of the SEA Act). These mechanisms for participation are examined in Chapter 6. Scottish academic debate profiled the connections between SEA and environmental justice; Section 2.2.3 examines the claims made within this debate.

2.2.3 Using SEA to deliver environmental justice in light of the Scottish SEA Act

Jackson and Illsley published a series of papers profiling connections between SEAs and environmental justice as a research topic (Table 2.1, No. 17, 21, 23, 24, 26, 35). Their papers link the Scottish extension of SEA and the Scottish Executive's policy on environmental justice. The arguments are developed in the most complete form in one main paper: *An analysis for the theoretical rationale for using SEA to deliver environmental justice in light*

[70] "A document which, under Rule 9.3.3(c), must accompany an Executive bill and which sets out the policy objectives of the bill; any consideration of alternative ways of meeting the bill's objectives; any consultations undertaken, and their outcome, and assessment of the effects of the bill on equal opportunities, human rights, island communities, local government, sustainable development and other matters considered relevant by ministers" (Scottish Parliament 2001).

of the SEA Act. (Table 2.1, No 26). This paper is the key document in this section. The claims made are important because, as Section 2.1 stated, this reflected how Scottish SEA was marketed to an international audience. [71]

Paralleling Connelly and Richardson (2005), the paper claimed that dealing with "the complexities of sustainable development" requires that SEA is "framed by a set of normative values which people are able to influence through the political process" (Jackson and Illsley 2007, p.619). The paper debated whether Scotland's commitment to environmental justice provided such "normative values"; questioning how environmental justice may be facilitated by Scotland's unique SEA administrative arrangements, in particular the SEA Gateway (Jackson and Illsley 2007, p.609). Thus, the paper diverged from the views of Connelly and Richardson (2005), who did not view environmental justice "as being central to current SEA debates" (Connelly and Richardson 2005, p.393).

Jackson and Illsley took their definition of environmental justice from the Review of Progress on Environmental Justice, acknowledging environmental justice had both procedural and substantive components (as defined by Box 1.3). In contrast to Connelly and Richardson's (2005) "expert" versus "deliberative" divide, Jackson and Illsley's (2007) primary concern was that SEA in Scotland may be able to mediate between different expert approaches to environmental assessment. In particular, those approaches that are "baseline led" or "objectives led".

The SEA Directive's origin in the environmental impact assessment of projects means the current state of the environment – the baseline – must be identified, and changes to the baseline, as a result of the plan or programme, must be predicted. The UK recommended that SEA should be undertaken as part of the objective-led sustainability appraisal requiring social, economic and environmental factors to be assessed. In a sustainability appraisal, a set of objectives are derived from national commitments to sustainable development. Indicators then test whether the plan or programme that is being assessed coheres with these national commitments to sustainable development.

Jackson and Illsley made a three-point critique of taking either a baseline-led or objectives-led approach to SEA. Their first point was that baseline-led approaches may be appropriate for some lower level plans that are closer to projects. However, at higher tiers of planning, for example the national level, gathering data and predicting impacts becomes more complicated, particularly when social and economic factors are included in assessments. Their second point was that if the objectives-led approach was intended to

[71] This potentially could have influenced other people's perceptions of SEA. Thomas Fischer an academic who has published widely on SEA stated at the World Leadership in SEA event in May 2007 that he thought in Scotland SEA was applied to all public sector actions.

proof the sustainability of government action, for this to be effective, SEA would require to be undertaken for a broader range (and higher tier) of plans and programmes than stipulated by the UK SEA Regulations. Their third point was that the goals of objectives-led assessment can alter with the changing definition of sustainable development.

Jackson and Illsley argued measures introduced in Scotland could mediate between baseline-led or objectives-led approaches. The Scottish guidance presented an "eclectic methodology" indicating that whether the assessment should either be baseline or objectives-led, depending on the level of the plan or programme in the hierarchy, and, whether it had direct effects on the environment (Jackson and Illsley 2007, p.618). Jackson and Illsley claimed that the SEA Act required that "all Scottish public sector [plans, programmes and policies], whether statutorily required or simply voluntary in nature, must be screened for their environmental effects" (Jackson and Illsley 2007, p.608). Therefore, baseline-led SEA could be employed at the level of plans where appropriate data was readily available, and objectives-led of policies.

The broad application of SEA was claimed as central to SEA's potential to contribute to both procedural and substantive aspects of environmental justice. Quoting Stirling (Stirling 2006 cited in Jackson and Illsley 2007), Jackson and Illsley argued that Scottish SEA could form "part of a process of reflexive governance" – they envisaged "a shift from purely expert-driven methodologies and towards 'more inclusive 'upstream' processes of participatory deliberation'" (2007, p.615). The "additional commitment to formal public engagement" created by the SEA Act allows "individuals greater opportunities to participate in decisions about the environment" (Jackson and Illsley 2007, p.619). Thus Jackson and Illsley claimed that this support of participation fulfilled a commitment to procedural environmental justice.

Jackson and Illsley claimed that the substantive aspect could be addressed through the SEA Gateway enabling the application of SEA to be charted. The SEA Gateway's role in managing consultations offers "a growing database of tiered assessments to provide a spatial and sectoral mapping of the environmental impacts of Scottish policy formulation" (Jackson and Illsley 2007, p.617). The official Scottish SEA guidance – the SEA Tool Kit – contained templates "designed to harmonise the operation of the various stages of the assessment process" (Jackson and Illsley 2007, p.617). These templates provided for consistent reporting and thus aid comparisons between documents. Scottish SEA research – the Pathfinder Project – would enable an audited selection of reports to be included in these documents.

Jackson and Illsley also claimed "Public scrutiny of SEA reports, facilitated by the Gateway, could help to promote a broader dialogue about the distributional consequences of

public sector decision-making processes" (Jackson and Illsley 2007, p.610). However, this contradicted with another of their claims. They identified the Scottish Executive's decision to limit the definition of health to "environmentally related health issues" (Scottish Executive 2006e, p.4[139]) means SEA is "a tool for encouraging policy-makers to mainstream environmental considerations" (Jackson and Illsley 2007, p.609). However, the discussion in Section 2.2 indicated SEA would need to take social and economic factors into account to consider distributive effects on people.

Jackson and Illsley identified that although the Gateway has been given a series of administrative functions set down in guidance (Scottish Executive 2006e, pp.4-5[25-26]), these were not enshrined in law. Mirroring arguments previously made by Poustie (2004) the limited articulation of environmental justice policy was recognised, particularly in relation to the Choosing Our Future, the Scottish Sustainable Development Strategy (Scottish Executive 2005a). However, "what environmental rights, if any, should be embodied in efforts to promote a more equitable share of environmental consequences of public sector actions" had not been debated (Jackson and Illsley 2007, p.619). Therefore, how Responsible Authorities choose to interpret the commitment to environmental justice was still uncertain. How Responsible Authorities did interpret the commitment to environmental justice is examined in Chapter 5.

2.3 Overview of theoretical links

This Chapter has reviewed the claims about how SEA could contribute to environmental justice. Table 2.4 provides an overview of the theoretical links between SEA and environmental justice, identified from the chronology of English language texts connecting these topics shown in Table 2.1. The analysis of documents in this Chapter has shown that five groups active in the UK were involved in making these claims: Connelly and Richardson; the group led by Gordon Walker; representatives of the Scottish Executive; FoES; and Jackson and Illsley. Table 2.4 differentiates between connections that apply in general to SEA (and in the UK) and specific claims for how SEA in Scotland could contribute to environmental justice.

Table 2.4 An overview of the theoretical links between SEA and environmental justice. Links were identified from the chronology of English language texts connecting these topics shown in Table 2.1 The table indicates where the topics are discussed by this thesis.

Theoretical link	*Where this is discussed in the results Chapters of this thesis*
A commitment to promote distributive environmental justice provides a 'better' value frame for SEA than sustainable development.	4-6
The value frame must link to 'outcomes' demonstrated within 'outputs' such as SEA environmental reports and other plan documents.	4-6
Distributional analysis could be used to consider whether the value frame is being achieved.	4, 5
SEA provides opportunities for the public to participate in environmental decision-making – this may or may not support the value frame.	6
The value frame can reconcile 'expert' and 'deliberative' approaches to SEA.	5,6
The Scottish commitment to environmental justice is supported by:	
Scottish SEA being extended more broadly than the SEA Directive (particularly to 'policies').	4-6
Participation enabling scrutiny thus making decision making more transparent.	6
SEAs ability to consider population health and cumulative environmental impacts (and SEPAs ability to comment on these topics).	5
Ensuring 'environment' is separate from 'socio-economics' by limiting the definition of human health.	4,5
Bodies with appropriate health expertise being consulted on the screening stage of SEA.	6
A centralised body (the SEA Gateway) to administer SEA environmental reports.	6
SEA Guidance being provided, including templates to prepare reports.	5
Influential research into SEA being undertaken (Pathfinder).	5
Administration (particularly the SEA Gateway) making SEA transparent and 'reflexive' because outputs from SEA, such as environmental reports, can be charted and compared (link to public participation).	6
'Civic Scotland' taking ownership of the agenda.	4-6

Table 2.4 summarises how and why SEA was considered to have potential to contribute to environmental justice – including further detail unique to SEA in Scotland. These claims include contradictions. In particular the FoE Report (authored by the group led by Gordon Walker) and the consultation responses from FoES indicated that a broad definition of health would need to be employed to account for the social and economic factors associated with environmental justice. In contrast, Jackson and Illsley claimed that by keeping social and economic factors *out of* assessments would support the Scottish Executive's commitment to environmental justice.

Connelly and Richardson claimed that employing the term environmental justice in SEA could bridge the "technical" and "deliberative" divide, however, they do not propose a method to assess environmental justice. The process of generating evidence of environmental justice "distributional analysis" recommended for use in SEA by the FoE report is technical. The remainder of this thesis explores these contradictions and how they reflect on environmental justice as a policy objective. The next Chapter, Chapter 3, sets out the methods this thesis employs.

Chapter 3
Method of examination

This Chapter describes the methods used to examine environmental justice as a policy objective. Chapter 1 established why the Scottish commitment to environmental justice was chosen as the main 'case' or basis for this examination. Chapter 2 then outlined theoretical links between strategic environmental assessment (SEA) and environmental justice. It included how it was claimed SEA could contribute to environmental justice, focusing on claims made in the UK, and in particular Scotland. This Chapter now specifies what data was used by this thesis and how this data was collected and analysed.

Section 3.1 provides a broad overview of what methods this thesis employs and why they were chosen. Section 3.2 explains how naturally occurring data was used to chart the promotion of the Scottish commitment to environmental justice and Scottish SEA. This continues with Section 3.3 that describes how documents generated from the SEA process were sourced (Section 3.3.1), used to analyse interpretations of environmental justice (Section 3.3.2) and how a sample enable a review of evidence and participation (Section 3.3.3). Section 3.4 describes how data was also generated through interviews and focus groups.

3.1 Policy promotion and outcomes

This section provides an overview of the methods of data collection and how this data was analysed and employed within this thesis. Naturally occurring qualitative data was collected through attending events (Section 3.2). Perspectives on SEA and environmental justice were generated via semi-structured interviews and focus groups (Section 3.4). This qualitative data informed a further quantitative analysis of naturally occurring outputs from the SEA process (Section 3.3). This was an iterative process to form a single exploratory case study (Yin 2003a; 2003b) of the promotion and outputs from a policy. Whether general conclusions can be drawn from this single case reflects an "ever present worry" in case study

research (Simons 1996, p.225) – a topic that has been widely debated (Hammersley and Gomm 2000; Yin 2003b).

Whether or not to "worry" about generalisation rests on the purpose of the case study. Schofield (2000 [1990]) recognised that case studies can take on a range of functions. Case studies can reveal *what is* happening – thus having a goal of "describing or understanding cultures or institutions as they typically are" (Schofield 2000 [1990], p.77). However, in contrast, this thesis uses the case information to examine *what may be*. This involves understanding what may be a common usage in future (Schofield 2000 [1990]). This case study focussed on the outcomes of making environmental justice a policy objective. These outcomes are then used to discuss the general implications should this policy objective continue to be promoted more broadly, particularly in the UK and Europe.

The case study was initially exploratory because "data collection and fieldwork [were] undertaken prior to the definition of study question" (Yin 2003a, p.6). The quantitative analysis of reports (Section 3.3) then transforms the early exploratory work into an explanatory case study – which explains *"what may be"* in light of past events. Additionally the approach taken draws from Becker's narrative analysis (1998; 2000 [1992]) that envisages the promotion of environmental justice as a process. This enables "the particular circumstances, and perhaps the conjunctions of factors of different types" to be set out (Levin 1997, p.29). The approach to analysing the formulation of environmental justice as a process begins with a review of how this thesis charts the promotion of the policy.

3.2 Charting policy promotion

Policy can be promoted in a large number of ways, via development of legislation and meetings or events. Levin notes that these events include "meetings, decision, announcements, the publication of document and the steps in any formal procedure" (Levin 1997, p.43). To describe policy formulation, Chapter 1 featured a brief history of past events and a chronology of those relevant to Scotland (Table 1.3). Extensive data was gathered from *key events* in Scotland relating to environmental justice, SEA and Scottish policy more generally. Details were also gathered from relevant talks. For the purpose of this thesis, information is reviewed from the inception of the policy objective in February 2002 until November 2009.

In the time period from the opening of the Scottish Parliament in 1999 to November 2007 all Friends of the Earth Scotland's (FoESs) campaign activities were under the banner

"environmental justice."[72] Therefore the term "key event" is used to distinguish between events important to this thesis and others. This thesis focuses on environmental justice as a policy objective. Therefore "key events" are those intending to directly influence the actions of Local or Central Government across all of Scotland – particularly via the development of legislation, government strategy or official guidance.

Table 3.1 provides a list of key events in the development of Scottish Environmental justice policy. Chapter 2 showed theoretical links between environmental justice and SEA and sets out key events in the development of Scottish SEA, documented in Table 2.3. In order to obtain maximum information, I attended many of these events as indicated in each table. Table 3.1 provides a list of additional events I attended that link to environmental justice and SEA. The date of each event, the event title, the event organiser, the names of the speakers, and their organisations together, with the location of the event is given.

The records used to inform this thesis consist of event programmes and agendas, electronic or hardcopies of any presentations made, background information about speakers or participants, attendance lists and reports summarising the content of particular events. These details are all important because they show what information was disseminated and also who was engaged in these distinct policy debates. When attending events, I was a participant observer (Gold 1958; Bryman 2004), asking questions, taking handwritten notes of the proceedings and (where authorised) making audio recordings – transcribing these recordings later. My status as a Doctoral Researcher was overt. This information is the only archive of the promotion of this policy objective. When I did not attend an event, data was difficult to retrieve – for example no records were readily available of the Sustainable Scotland Network Conference (Table 1.3, 23-24 Oct 03).

The key environmental justice events in Table 1.3 relate to Scotland, but also link to the promotion of environmental justice as a policy objective across the UK. For example, Table 1.3 includes the 'Environmental Inequalities… Seminar Series 6' (12-13 Sep 07). This event was one of a series of seven UK events with an overall aim "to promote interdisciplinary collaboration and capacity building so that researchers, policymakers and practitioners are better able to understand and address environmental inequalities in range of UK and international contexts" (Eames and Walker 2007). This event was the only one of this seminar series to be held in Scotland.

[72] Further information about these activities is archived at the FoES website http://www.foe-scotland.org.uk/.

Table 3.1/1 Events attended during the time spanned by this thesis that link to environmental justice, SEA or Scottish policy debates more generally (beyond those listed in Tables 1.4 and 2.2)

Date	*Title*	*Organsiser*	*Speakers names and organisations (organisations are italicised)*	*Location*
30 Aug - 1 Sep 06	Annual International Conference 2006: Global social justice and environmental sustainability	Royal Geographic Society (RGS) with the Institute of British Geographers (IBG)	Included: Special session sponsored by Local Environment journal 'Environmental-ism & sustainability & injustice' Gordon Walker, *Lancaster University* Eric Swyngedouw, *University of Oxford* Andrew Dobson, *Keele University* Bob Evans, *Northumbria University* Plenary Session 'Justice, nature and the City: environmental justice in post-Hurricane New Orleans Beverly Wright, *Dillard University* Julian Agyeman, *Tufts University* Ray Hudson, *Durham University* Joe Painter, *Durham University*	RGS, 1 Kensington Gore, London
23-24 Sep 06	Agents for Environmental Justice	Queen Margaret University (Eurig Scandrett)	Clare Symonds, *Friends of the Earth Scotland (FoES)* Eurig Scandrett, *FoES/ Queen Margaret University* Day one: Workshop at the Phoenix Centre Glasgow Day two: Site visits (M74 Northern Extension, Talamh Life Centre, Greengairs Village).	Phoenix Centre, Glasgow and site visits, Central Scotland
2 Oct 06	Engaging Research Communities And Wellbeing: The Hows And Whys Of Doing Social Research For The Scottish Executive	Scottish Executive	Nuala Gormley, *Scottish Executive*	Victoria Quay, Edinburgh
30 Nov 06	STAG refresh	Transport Scotland	Hugh Gillies, *Transport Scotland* Alan Shirley, *Transport Scotland (on secondment from Halcrow)* Andy Park, *Transport Scotland*	Hilton International, Glasgow
1 Dec 06	New Researchers Workshop	RGS-IBG Planning and Environment Group (PERG)	Anna Davies, *Trinity College Dublin* Gordon Walker, *University of Lancaster* Sara Fuller, *University of Sheffield* Frances Fahy, *National University of Ireland* Mike Raco, *Kings College London*	RGS, 1 Kensington Gore, London
14 Dec 06	Health Impact Assessment (HIA) Network Meeting	HIA Network	Martin Higgins, *NHS Lothian*	Glasgow City Council, 229 George Street, Glasgow
15 Jan 07	Integrating Spatial Planning and Health	NHS Lothian/ Glasgow Centre for Population Health	Mick Stewart, *Stirling Council* Stuart Tait, *Glasgow and Clyde Valley Structure Plan Joint Committee* Russell Jones, *Glasgow Centre for Population Health (GCPH)*	Glasgow City Chambers, Glasgow
15 Jan 07 (Cont.)			Caroline Brown, *Heriot-Watt University* Anne Ellaway, *Medical Research Council* Included a workshop reviewing the health effects of a housing proposal being taken forward in the Glasgow area.	
16-17 Jan 07	Pollution, inequalities and health	ESRC/NERC Transdiciplinary Seminar Series	Anna Barford, *Sheffield University* Gary Haq, *Stockholm Environment Institute* Stephen Pye, *AEA Technology* Steve Rushton, *Newcastle University* Robert Haining, *Cambridge University* Peter Diggle, *Lancaster University* Cesar Mota, *Newcastle University* Doris Balvin, *Labora (Lima, Peru)* Mukesh Khare, *University of West Indies* Pat Saunders, *Health Protection Agency* Fintan Hurley, *Institute for Occupational Medicine* Carolyn Stephens *London School of Tropical Hygiene and Medicine*	Newcastle University, Newcastle
25 Jan 07	Best-value Strategic Environmental Assessment (SEA): A one-day capacity building seminar to support the implementation of SEA	Midlothian Council/ Elsa João	Observed the SEA Course including the question and answer sessions. Discussed SEA with Council employees.	Greenhall Centre, Gorebridge
19 Feb 07	National Planning Framework Event	Scottish Executive	James MacKinnon, *Scottish Executive* Presentation of information about the National Planning Framework. A workshop on Connectivity was attended (acted as Note Taker)	The Toolbooth, Stirling
02 Mar 07	GoWell First Annual Event	GoWell: Glasgow Centre for Population Health	Outline of research focussing on assessing and then charting improvement of population health in 12 study areas across Glasgow. Andrew Fraser, *Scottish Prison Service* Jim Coleman, *Glasgow City Council* Carol Tannahill, *GCPH* Phil Mason, *University of Glasgow* Hilary Thompson, *MRC* Ade Kearns, *University of Glasgow* Louise Lawson, *University of Glasgow* Mark Petticrew, *MRC* Phil Hanlon, *University of Glasgow* Des McNulty, *Scottish Executive*	St Andrew's in the Square, Glasgow

Note: Event documentation was collected. Documentation included programmes and agendas, electronic or hard copies of any presentations made, background information about participants, and reports summarising the content of particular events. In all cases I attended the events and either took notes or made audio recordings of the proceedings.
[1] A description of the stages in the progress of a Bill (draft legislation) is available from the Scottish Parliament (2008b).
[2] The guidance was launched at the event Strategic Environmental Assessment Guidance for practitioners on how to take account of Air, Soil and Water which took place at The Innovation Centre, Northern Ireland Science Park, Belfast on 21 Sep 2009.

Table 3.1/2 Events attended during the time spanned by this thesis that link to environmental justice, SEA or Scottish policy debates more generally (beyond those listed in Table 1.4 and 2.2)

Date	*Title*	*Organsiser*	*Speakers names and organisations (organisations are italicised)*	*Location*
21 Mar 07	Healthy Environment Network Meeting	Health Environment Network	Environmental influences on heart health and heart disease. How can organisations across Scotland work more effectively together to address these environmental influences? George Morris, *Chair of the Healthy Environment Network Steering Group* Catharine Ward Thompson, *Edinburgh College of Art* Richard Mitchell, *University of Edinburgh Medical School* David Newby, *Edinburgh Royal Infirmary* Tim Townshend, *University of Newcastle* Afternoon workshop to unearth future directions in research and practice.	CoSLA Conference Centre, Rosebery House, Edinburgh
26 Mar 07	SEA 7 Stakeholder Workshop	Hartley Anderson Ltd Geographers (IBG)	William Ritchie, *University of Aberdeen* John Hartley, *Hartley Anderson* Steward Anderson, *Hartley Anderson* Question and answer format with a range of other participants	Hilton Glasgow Hotel, Glasgow
26 Apr 07	Health Impact Assessment Conference - Planning and Building Healthy Communities	Chartered Institute of Water and Environmental Management (CIWEM)	Clare Holman, *Peter Brett Associates* Bob Sargent, *CIWEM* Paul Plant, *National Health Service (NHS)* Salim Vohra, *Peter Brett Associates* Martin Higgins, *NHS Lothian* Dawn Bason, *Milton Keynes & South Midlands sub-region* Neil Balckshaw, *Healthy Urban Development Unit* Liz Green, *Wales Health Impact Assessment Support Unit* Karen Booth, *Mersey Travel* Stephen Birch, *Sefton* John Kemm, *West Midlands Health Observatory*	The Lakeside Conference Centre, Aston, Birmingham
09 May 07	Best-value Strategic Environmental Assessment (SEA): One day short course run by Elsa João	Elsa João	Observed the SEA Course including the question and answer session. Discussed SEA with participants.	Graduate School of Environmental Studies (GSES), Strathclyde University, Glasgow
21 Jun 07	HIA Network Meeting	HIA Network	Introduced by George Morris, *Scottish Executive*	NHS, Sauchiehall Street, Glasgow
29-31 Aug 07	Annual International Conference 2007: Sustainability and Quality of Life	RGS with IBG	Session: The Spaces of Hazard, Risk and Resilience Donald Houston, Alan Werrity, Tom Ball, Amy Tavendale and Andrew Black, *All University of Dundee* Gordon Walker, *Lancaster University* and Kate Burningham, *University of Surrey*	RGS, 1 Kensington Gore, London
10 Sep 07	Perth & Kinross Council – SEA Course	Perth and Kinross Council and Elsa João	Observed the first day of the council wide SEA Course, including question and answer sessions. Discussed SEA with Council employees.	McDiarmid Park Conference Centre, Perth
6 Dec 07	West of Scotland Working Group (WoSWG) Meeting	WoSWG	Speakers: Neil Deasley, *SEPA* Amanda Chisholm, *Historic Scotland* Fiona Rice, *SNH*	Glasgow City Council (229 George Street), Glasgow
13 Dec 07	Sustainable Scotland Network (SSN) Quarterly Meeting	SSN	Alan Speedie, *SSN* Ian Bruce, *Glasgow City Council* Matthew Page, *University of Leeds* John Henry, *Dublin Transportation Office* Owen Wilson, *Darlington Council* Adam Bows, *Glasgow City Council* Session on ecological footprinting by Amie Fulton, WWF	Parish Halls, 266 George Street, Glasgow
15 Feb 08	National Planning Framework Event	Scottish Government	Jim Mackinnon, *Scottish Government* Extended question and answer session with Jim Mackinnon and Graeme Purves, *Scottish Government.* Afternoon SEA workshop hosted by Fiona Simpson and William Carlin, *Scottish Government.*	Royal Concert Hall, Glasgow
6 Mar 08	WoSWG Meeting	WoSWG	Speakers: Aime Fulton, *WWF* Fiona Ross, *South Ayrshire Council*	Strathclyde Partnership for Transport, Glasgow
26-28 Aug 09	Annual International Conference 2009: Geography, Knowledge and Society	RGS with IBG	Included three sessions concerning 'Justice, politics and environmental governance'	University of Manchester, Manchester

Note: Event documentation was collected. Documentation included programmes and agendas, electronic or hard copies of any presentations made, background information about participants, and reports summarising the content of particular events. In all cases I attended the events and either took notes or made audio recordings of the proceedings.

Overall, the environmental inequalities seminars intended to influence UK policy and therefore the outcomes are discussed throughout this thesis. All the environmental inequalities seminars were linked in some way to environmental justice, but there was a particular emphasis in the sixth seminar where Scotland's environmental justice policy was discussed (G. Walker, pers. comm., 13 Sep 07). These environmental inequalities seminars are relevant to the promotion of environmental justice as a policy objective in Scotland because it is clear from Table 1.3 that the seminar series organiser, Gordon Walker, was involved in the development of environmental justice in Scotland. Table 3.1 indicated that I also attended the fourth seminar in the environmental inequalities seminar series concerned with 'Pollution, Health and Inequalities' (Table 3.1 16-17 Jan 07).

Table 3.1 also stated that I attended other events where environmental justice had been the focus of previous sessions – for example the Healthy Environment Network (21 Mar 07) and the Sustainable Scotland Network (13 Dec 07). This enabled consideration of whether or how the term environmental justice continued to be used by people within these groups. Additionally, Table 3.1 indicated I attended West of Scotland Working Group (WoSWG) meetings, a forum for Scottish SEA practitioners (6 Dec 07; 6 Mar 08).

Copies of minutes from other meetings held by the Healthy Environment Network and the WoSWG were also sourced as part of the background reading material for this thesis. I also visited the SEA Gateway, Edinburgh, on 20 Nov 07 and reviewed all the Scottish Government and Scottish Executive SEA records. These records comprise all those concerned with the development of SEA in Scotland, including reports produced in 2001 when the SEA Directive had just been formally adopted (Environmental Resources Management 2001). Copies of information relevant to the thesis were requested and then supplied at a later date by the SEA Gateway.

A valuable view of the activist discourse on environmental justice was gained by attending a two-day event that formed part of the two-year part-time Agents for Environmental Justice Course (Table 3.1, 23-24 Sep 06). This course was organised by Queen Margaret University, Edinburgh, in conjunction with FoES – Section 1.3. Activist training was given on day one of the course; day two consisted of visits to sites of Scottish environmental justice campaigns, including Greengairs Village, North Lanarkshire – previously visited by the then First Minister, prior to his speech on the environment in February 2002 (Table 1.3). This enabled me to reflect on attempts made by this non-governmental organisation (NGO) to support and foster grassroots activism.

During the time period covered by this thesis I attended 22 talks that linked to environmental justice, SEA or Scottish policy debates. I took notes; asked questions and sought copies of presentations. Appendix A provides details of the talks including the dates, speakers, locations and types of information gathered from them. Detailed records of the events listed in Tables 1.3, 2.3 and 3.1, together with the talks set out in Appendix A, are

available for review upon request. In order to examine any outcomes of policy promotion in detail, information from events and talks was combined with the documentary analysis described in the following section.

3.3 Analysing policy outcomes

Outcomes from the Scottish SEA process 21 Jul 04 - 20 Nov 07 are used within this thesis to examine environmental justice as a public sector policy objective. Table 3.2 shows the stage (reflecting Box 2.3) reached by the 295 plans, programmes or strategies (PPSs) that entered SEA in that time period. Table 3.2 lists that, in total, Scottish Consultation Authorities have been consulted on eight different UK plans and programmes and seven EU plans and programmes. Appendix B provides a full list of the 255 PPSs and Appendix C the 40 PPSs pre-screened since the SEA Act came into force on 20 Feb 06, to 20 Nov 07.

Table 3.2 Stages of the SEA process reached by Scottish, UK and other EU plans, programmes and strategies (18 Jul 04 – 20 Nov 07)

SEA Stage reached (Stages are listed in Box 2.3)	*Number of plans, programmes and strategies in Time Interval*			
	Scotland	UK	Other EU[2]	Total
Pre-screening statement prepared (Scotland only)[1]	40	-	-	40
Screening reports in consultation	6	1	0	7
Screening reports consulted upon[3]	82	0	3	85
Scoping reports in consultation	12	0	0	12
Environmental reports in preparation or consultation	59	3	1	63
Environmental reports consulted upon (not 'Adopted')	62	7	3	72
Adopted plans, programmes and strategies[4]	16	0	0	16
Total	**277**	**11**	**7**	**295**

[1] Pre-screening is a Scottish legal requirement (although equivalents may exist in other countries). Where a PPS is pre-screened means that it is thought to have no or minimal significant environmental effects and thus no further SEA work is required.
[2] Plans or programmes relating to other European Union (EU) countries out with the United Kingdom (UK).
[3] This figure is high because many plans, programmes and strategies would be screened out of the need for SEA as this stage.
[4] Where a post adoption statement was available from the SEA Gateway 20 Nov 07.

Table 3.3 lists the 277 Scottish PPSs that have gone through some part of the SEA process: 80 PPSs entered the SEA process as a result of the SEA Regulations; 190 under the SEA Act (including those pre-screened); and seven were voluntary.

Table 3.3 The number of Scottish plans, programmes and strategies that have reached discreet stages of the SEA process (listed in Box 2.3). Whether they were voluntary, motivated by Scottish SEA Regulations or the SEA Act is indicated.

SEA Stage reached (Stages are listed in Box 2.3)	*The number of plans, programmes or strategies that have reached defined stages of the SEA process*			
	Voluntary	*Scottish SEA Regulations*	*Scottish SEA Act*	*Total*
Pre-screening statement prepared	-	-	40	40
Screening reports in consultation	-	1	5	6
Screening reports consulted upon[1]	1	16	65	82
Scoping reports in consultation	-	1	11	12
Environmental reports in preparation or consultation	1	15	43	59
Environmental reports consulted upon (not 'Adopted')	5	38	19	62
Adopted plans, programmes and strategies[2]	-	9	7	16
Total	7	80	190	**277**

[1] This figure is high because many plans, programmes and strategies would be screened out of the need for SEA as this stage.
[2] Where a post adoption statement was available from the SEA Gateway 20 Nov 07.

This thesis makes use of two related "units of analyses" within Scottish SEA to evaluate the outcomes of making environmental justice a policy objective. The first "unit of analysis" is all the SEA Documents produced within the time period 21 Jul 04 – 20 Nov 07 resulting from the PPSs listed in Table 3.3. Box 3.1 provides this thesis' definition of SEA Documents. These SEA Documents were sourced from the Scottish Environment Protection Agency (SEPA) (Section 3.3.1).

Box 3.1 Thesis' definition of 'SEA Documents'

All of the documents produced from the Scottish SEA process: Pre-screening statements, screening reports, scoping reports, environmental reports, screening determinations, post adoption statements and comments by those consulted (including comments from the Consultation Authorities). Also documents containing contextual details about particular PPSs such as the PPS documents themselves, maps or other images.

Figure 3.1 sets out the data and methods used to examine these SEA documents. This follows the structure of an embedded single case study design, described by Yin (2003b). Thesis Chapter 5, "Interpretation", reviews how a broad range of organisations interpreted the terms "environmental justice" and "environmental injustice." Figure 3.1 shows this Chapter uses all the SEA Documents produced from the implementation of SEA, the whole 'population' of documents, Unit 1. Section 3.3.2 discusses the approach to this analysis.

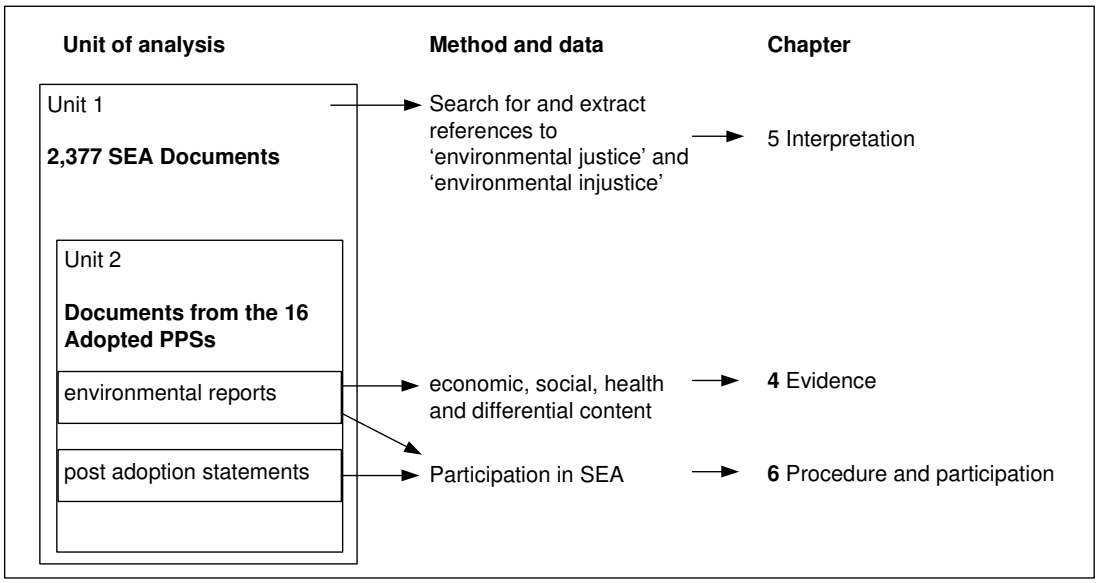


Figure 3.1 Documentary analysis data and methods used to examine outcomes from the Scottish commitment to environmental justice

The unit of analysis, Unit 2, to inform Chapter 4 "Evidence" and Chapter 6 "Procedure and participation" is a sample of environmental reports and post adoption statements. The sample is the 16 PPSs where post adoption statements were supplied by the SEA Gateway on 20 Nov 07. Section 3.3.3 sets out how a selective content analysis of environmental reports and post adoption statements was undertaken. Section 3.3.1 now explains the importance of the relationship between the documentary analysis time span, the choice of SEA Documents for analysis (the population) and the sample of post adoption statements.

3.3.1 Sourcing and preparing SEA Documents

SEA Documents are used to investigate the outcomes and implications of making environmental justice a policy objective. The source of documents governed what was chosen for analysis (set out in Figure 3.1). The Scottish Government SEA Gateway has a duty to keep records of Scottish SEA activity (Scottish Executive 2006e, p.4[25]) and so the SEA Gateway would be the obvious source of SEA Documents. Additionally, the SEA Gateway, on behalf of the Scottish Ministers, is required to keep a pre-screening register (SEA Act, 7(5)). This duty led to claims that the SEA Gateway would make decision-making more "transparent" and enable outputs from SEA to be charted and compared (Table 2.4). As part of this thesis, information requests were made to the SEA Gateway.

On 20 November 07 the SEA Gateway was asked for copies of the SEA post adoption statements held by them. The availability of any post adoption statement indicates that a PPS has gone through the full SEA process and had been adopted. In such cases, an

environmental report should have been prepared and should be available. The post adoption statement should identify who participated in the SEA consultation. Therefore, this sample would enable a review of the methods used in SEA and who participated in the process – contributing to the analysis presented in Chapters 4 and 6 (further described in Section 3.3.3).

The SEA Gateway archive their documents using an Electronic Records and Document Management System (ERDMS) called 'Objective'. Due to this method of archiving, the SEA Gateway was unable to easily provide all of the SEA Documents from the SEA process for the time period of this study (Box 3.1).[73] A search of all these SEA Documents would enable a review of how the term "environmental justice" has been used as Section 3.3.2 explains. As SEA Documents were not available from the SEA Gateway they were sourced from SEPA. SEPA willingly provided this information. SEPA have a duty to take environmental justice into account and in addition are the joint sponsors of this thesis' studentship.[74]

To keep track of SEA consultations and ensure consultation obligations are fulfilled, SEPA keeps a log (a Microsoft Excel Spreadsheet) of the current status of PPSs that have entered their SEA process. SEPA has an administrative reason to record when they have responded to screening, scoping and environmental reports and so this information is recorded in their log. However, SEPA have no reason to record when they receive a post adoption statement, so this is not recorded. Thus information about the post adoption statements prepared was sourced from the SEA Gateway. To discuss transparency in information provision, Section 6.1.2 presents a comparison of the post adoption statement sourced from the SEA Gateway with those retrieved from SEPAs records.

SEPAs records indicate that the first PPS was voluntary and that the environmental report was submitted by the Responsible Authority on 21 July 04. Therefore the study starts on this date. The documentary analysis ends on the 20 November 07, the day the request was made to the SEA Gateway. The time period 21 Jul 04-20 Nov 07 has been used for the different forms of documentary analysis undertaken within this thesis (see Figure 3.1). Where UK or EU plans or programmes are likely to have an affect upon Scotland the

[73] All documents were due to be made publicly available in November 2009. As of 19 Jan 10 the Scottish Government Website stated: "WE HAVE TAKEN THE SEA DATABASE OFFLINE IN ORDER TO MAKE SOME IMPORTANT AMENDMENTS TO ITS CONTENT AND TO ADD THE REMAINDER OF THE OUTSTANDING CASES. APOLOGIES FOR ANY INCONVENIENCE." (Scottish Government 2009b).

[74] Consultation Authority's Historic Scotland and SNH were contacted but to provide similar information a Freedom of Information request would have to be made in the former and documents would have to be processed in the latter case (SNH use the same data management system as the SEA Gateway).

Consultation Authorities are consulted. Thus SEPA kept records of UK and European consultations not held by the SEA Gateway. Therefore using SEPA data also allowed a review of where Scotland's commitment to environmental justice has been integrated into SEA beyond Scotland.

The SEA process during this time period produced 2,377 SEA Documents. SEA documents had to be prepared and organised so that they could be analysed. SEPA's SEA casework numbering system was used to identify and catalogue SEA Documents. SEPA's log (a Microsoft Excel Spreadsheet) of the current status of PPSs, that have entered their SEA process, is used to keep track of their consultations and ensure consultation obligations are fulfilled. SEPAs log identifies each PPS with a unique number (e.g. 001). Numbers are ascribed sequentially when a PPS first enters the SEA process, usually at the screening or scoping stage of SEA (Box 2.3 outlines the different stages of SEA).

SEPAs organisational structure influences how it deals with SEA consultations. SEPAs Head Office, in Stirling, deals with consultations on PPSs that cover the whole of Scotland. Consultations on PPS that are regional, local, or apply to a small area are undertaken by one of SEPAs three regional offices. Figure 3.2 shows the location of these regional and local offices. SEPA has an internal Gateway (an email inbox) at their Head Office that fields electronic and overland correspondence both to and from the Scottish Government SEA Gateway. Where the PPSs consultations are regional or local in scope, documents are forwarded to the relevant SEPA regional offices (Scottish Government 2009a).[75]

SEPA archives the comments it makes to SEA consultations and the electronic correspondence it receives from the SEA Gateway into casework folders, identified with the relevant SEPA log numbers and the name of the PPS. These SEPA casework folders were sourced for this thesis – all the SEA Documents were extracted by opening the emails held in each folder and saving the attachments to a single folder. Each one of the 2,377 SEA Documents extracted was appended with the relevant SEPA log number to ensure that the SEA Document link to the appropriate PPS. The next section tackles how interpretations of environmental justice contained in documents were accessed and organised.

[75] This process was explained during visits to SEPA and was evident from the review of the data SEPA supplied.

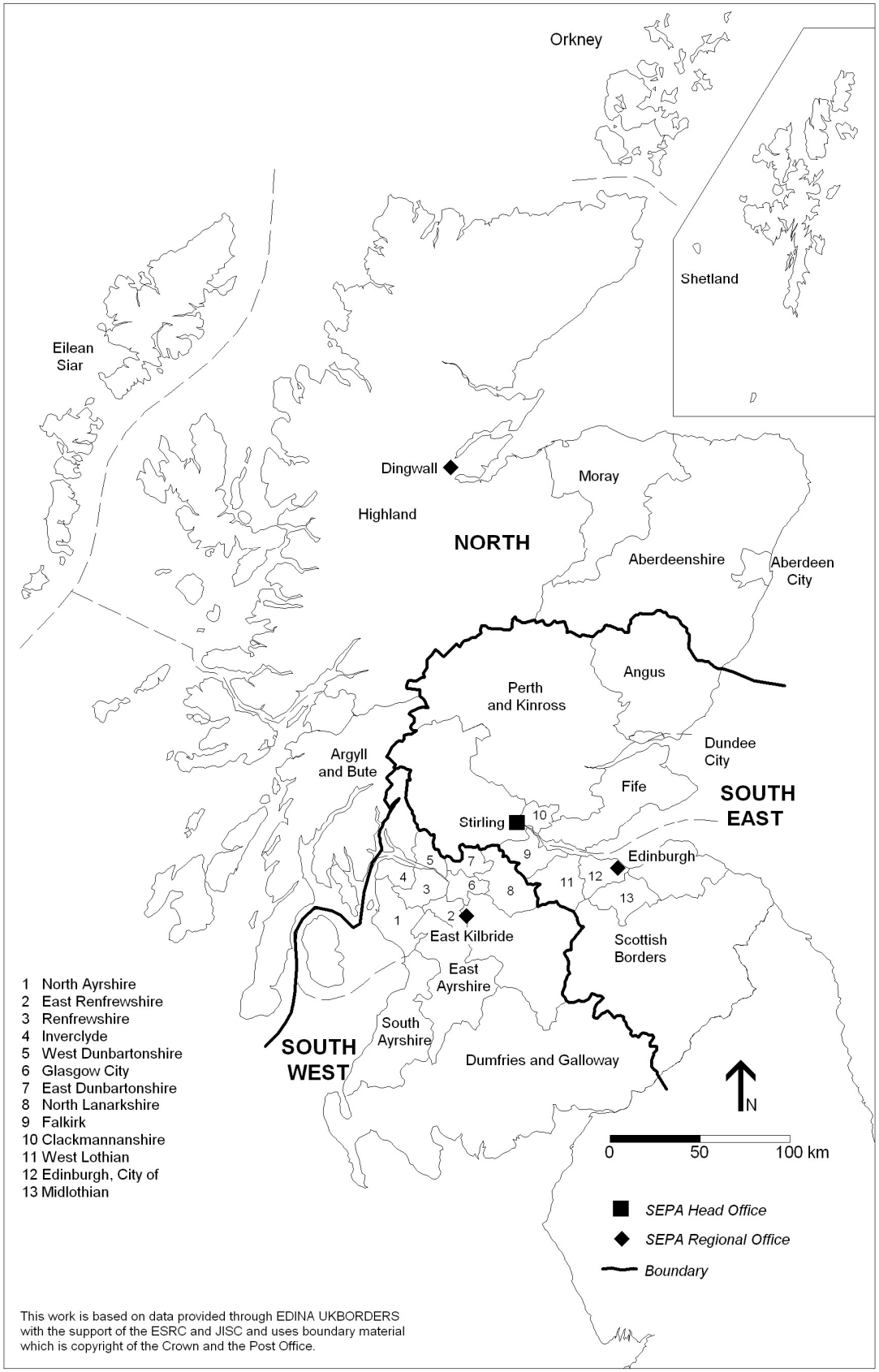


Figure 3.2 Map of Scotland illustrating the location of SEPAs Head Office and Regional Offices. SEPAs Head Office deals with national SEA consultations, consultations that are regional, local, or apply to a small area are untaken by the relevant SEPA Regional Office.

3.3.2 Accessing and organising interpretations of environmental justice

To access interpretations of environmental justice all 2,377 Scottish SEA Documents from 21 Jul 04 to 20 Nov 07 were searched for reference to the terms "environmental justice" and "environmental injustice" (Figure 3.1). Chapter 5 provides a review of the outcomes of this search in relation to the interpretation of environmental justice the documents reveal. Appendices D–F summarise information about the SEA Documents that made explicit reference to environmental justice or environmental injustice. SEA documents were organised using the SEPA No. as described in Section 3.3.1. Four factors were taken into account when evaluating how an SEA document referred to environmental justice and environmental injustice:

- The type of SEA Document;
- The driver for the reference to environmental justice or environmental injustice;
- The location in the SEA Document where reference was made to environmental justice or environmental injustice;
- The nature (or type) of reference made.

Each of these different factors is explained in turn – beginning with the type of SEA Document. SEA Documents are prepared in response to the SEA stages, outlined in Box 2.3. Each of these stages has different functions. For example screening reports concern the likelihood that a PPS has significant environmental effects, whereas environmental report*s* are an evaluation of those likely effects. Therefore, where relevant, the type of document is stated in the data analysis.

The drivers for the references to environmental justice or environmental injustice (what motivated them) were also used to categorise data in Chapter 5. Chapter 1 discussed that these drivers could take the form of Policy Documents (Table 1.3) and Research evidence (Table 1.5). In some cases a reference may be "Independent" – meaning there is no link to any drivers. Otherwise the motivation for the reference is because it is "Linked to a policy document" a "Policy document" or "Research". Table 3.4 provides a definition of these terms.

Table 3.4 The drivers for the reference to environmental justice or environmental injustice

Driver	*Definition*
Independent	No link to any driver (listed below)
Linked to policy document	References within an SEA document may appear "Independent" but link to Policy documents in other parts of the document or link to policy documents in other plan, programme or strategy documents
Policy documents	The references link to Policy documents listed in Table 1.3
Research evidence	The references link to research evidence listed in Table 1.5, other official research or the Scottish Index of Multiple Deprivation (SIMD) featured in Section 1.3

Where a reference is made to environmental justice or environmental injustice in a scoping or environmental report, the location of the reference in the SEA Document will influence why it has been included and what it means. Table 3.5 provides an outline of the possible document locations. The location "significance" in this thesis only relates to the assessment of significance during the screening stage of SEA. However, in general the concept of "significance" underpins the whole process of environmental assessment (for an early consideration of this topic see Canter and Canty 1993). These categorisations are used to organise where reference has been made in relation to "Policy documents" and "Research evidence" listed above in Table 3.4.

Table 3.5 The location in the SEA Document where reference was made to environmental justice or environmental injustice

Location in document	*Definition (derived from the SEA Directive)*
Significance	The direct identification of significant effects on the environment (during screening)
Policy context	the "relationship with other relevant plans and programmes" (Annex 1(a)) and also the relevant "environmental protection objectives, established as international, Community or Member State level" (Annex 1(e)).
Assessment	Outcomes from the assessment of "the likely significant effects on the environment" (Annex 1(f)) or the assessment process e.g. appearance in SEA Objective, matrixes etc.
Background	Background information or context but not directly to 'baseline' or environmental problems.
Baseline	"the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme" (Annex 1 (b)); "the environmental characteristics of areas likely to be significantly affected"(Annex 1(c))
Env. problems	"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 and 92/43/EEC" (Annex 1(d))

Additionally, the classification of the type of reference in the SEA document governs the analysis of how the references were interpreted by this thesis. References to environmental justice or environmental injustice in SEA Documents were classified as 'Unconnected', 'Indirect' or 'Direct'. Table 3.6 provides a definition of these three terms.

Table 3.6 Classification of the type of reference made to environmental justice or environmental injustice in SEA Documents

Classification of reference	*Definition*
Unconnected	Reference is made to these terms but no indication is given how they do or will link to either the (proposed) assessment or PPS policies.
Indirect	Reference is made to these terms and a link to (proposed) assessment or PPS policies is implied in the text - but this link is not direct.
Direct	Reference is made to these terms and a direct link is made to the (proposed) assessment or PPS policies.

The Scottish definition of environmental justice, following the US Environmental Protection Agency, included a concern to tackle "disproportionate burdens" of negative environmental impacts (See Box 1.3). Therefore the content analysis was also concerned with whether or how attempts were made to put the concept of "disproportionate burden" into operation. Whether or not SEA Documents make explicit reference to environmental justice, environmental justice could still be taken into account. The next section reviews how participation in the SEA process and SEA as a tool to generate evidence of environmental justice was investigated.

3.3.3 Investigating participation and evidence

The implications of promoting environmental justice as a policy objective are considered via an analysis of SEA guidance for use in Scotland together with a sample of documents. The analysis is used to discuss the outcomes and implications of generating evidence of environmental justice (Chapter 4) together with participation in SEA procedures (Chapter 6). The sample comprises the environmental reports and the post adoption statements from 16 PPSs where post adoption statements were supplied by the SEA Gateway in response to the 20 Nov 07 request. Figure 3.3 illustrates the geographic location in Scotland of the 16 PPSs.

Figure 3.3 indicates the sample covers a variety of sectors and geographical areas, and have been carried out by a range of public bodies either directly (in house) or by consultants. This content analysis straddles the gap between extensive reviews of environmental reports (e.g. Short *et al* 2004; Thérivel and Walsh 2006; Kørnøv 2009) and context bound in-depth case studies (e.g. Bina 2003; Hildén *et al* 2004). Extensive reviews summarise the content of SEAs, whereas, in-depth case studies tend not to compare a number of different SEA Documents and are often written by practitioners actively engaged in SEA.

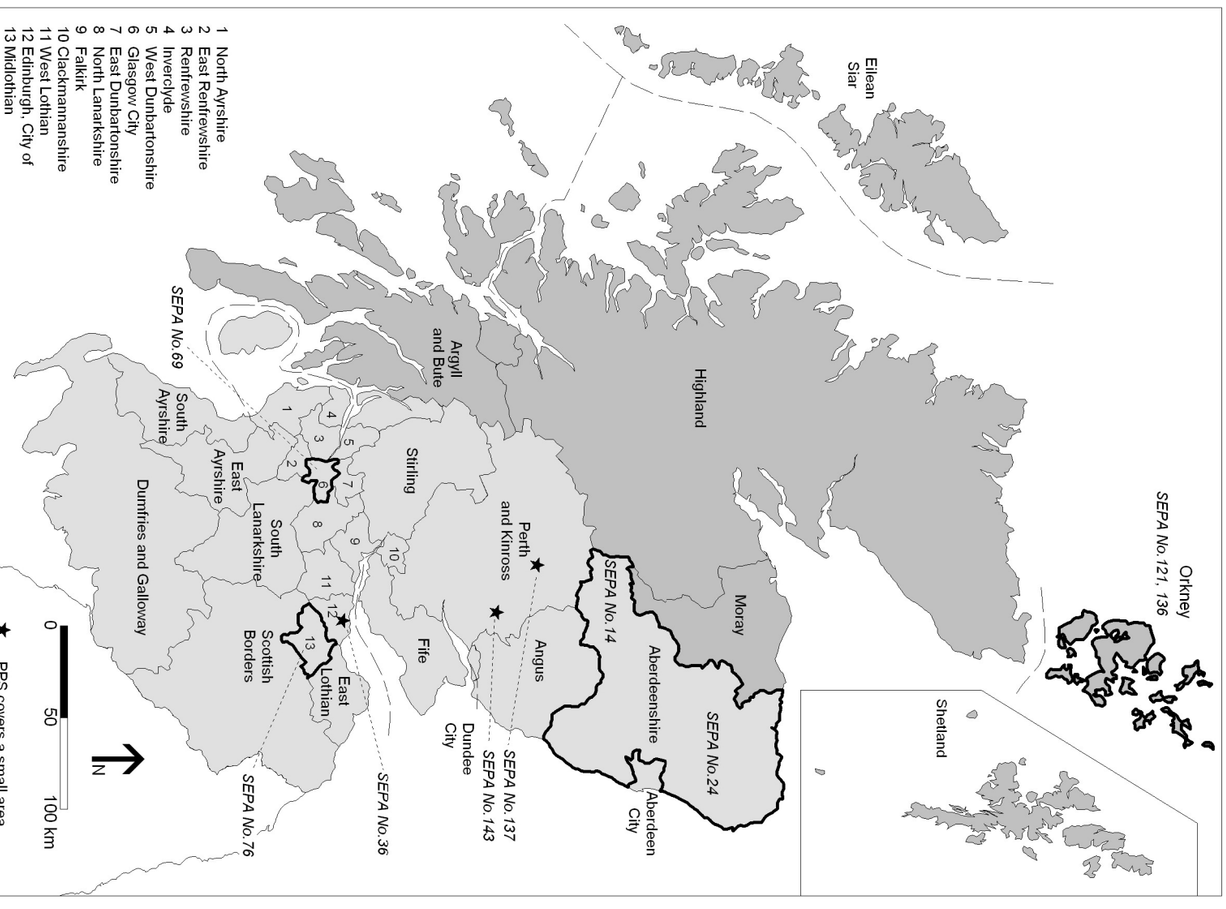


Figure 3.3 Map of Scotland illustrating the location of the 16 plans, programmes or strategies for which the SEA Gateway supplied post adoption statements in response to a request made on 20 Nov 07 (the sample)

SEPA No.	*Plan, programme or strategy name*	*Responsible Authority*	*Sector*[1]	*Geographical area covered*[2]	*Organisation that prepared SEA*	*Person that prepared SEA (where identified)*
14	Cairngorms National Park Plan	Cairngorms National Park Authority	Land use	Regional	Responsible Authority	
24	Aberdeenshire Local Transport Strategy	Aberdeenshire Council	Transport	Local	Faber Maunsell	Dominique / Ewan Walker
28	National Transport Strategy	Scottish Executive	Transport	National	Responsible Authority	Susan Malcolm
29	Scottish Forestry Strategy	Forestry Commission Scotland	Forestry	National	Land Use Consultants	Fiona Simpson
36	Caltongate Masterplan	City of Edinburgh Council	Land use	Small area		
42	Highlands and Islands ERDF Operational Programme 2007-2013	Scottish Executive	Other	Regional	Ecodyn Limited	
49	Lowlands and Uplands ERDF Operational Programme 2007-2013	Scottish Executive	Other	Regional	RSK ENSR Ltd	
69	Glasgow Local Transport Strategy	Glasgow City Council	Transport	Local	Faber Maunsell	Ewan Walker
76	Midlothian Local Transport Strategy	Midlothian Council	Transport	Local	Steer Davis Gleave	Kirsty Morrison
90	Scottish Enterprise Operating Plan	Scottish Enterprise	Other	National	Fraser Associates	
92	Operational Plan 2007-2010	Highlands and Islands Enterprise	Other	Regional	Ecodyn Ltd	
121	Community Plan for Orkney	Orkney Islands Council	Other	Local	Responsible Authority	Eileen Linklater
136	Orkney Local Transport Strategy	Orkney Islands Council	Transport	Local	Responsible Authority	Eileen Summers
137	Pitlochry Conservation Area Appraisal	Perth & Kinross Council	Land Use	Small area	Responsible Authority	Richard E. Welch
138	Corporate Plan 2007-2010	VisitScotland	Other	National	Fraser Associates & Richard Robertson	
143	Coupar Angus Conservation Area Appraisal	Perth & Kinross Council	Land Use	Small area	Responsible Authority	Richard E. Welch

[1] Derived from the SEA Directive.

[2] Geographical area:

National Scotland.
Regional An area smaller than 'national' but larger than 'local.'
Local One of Scotland's 32 unitary authorities (as first identified by the Local Government etc. (Scotland) Act 1994).
Small area Part of a 'local' area.

ERDF European Regional Development Fund

In contrast, this approach enables the inter-relation between SEA environmental reports from different PPSs to be studied. Figure 3.3 shows that inter-relations include who undertook the SEA (e.g. one person in the responsible authority, several people, a consultant or a combination) and the geographic area to which the PPS applied. These and other relationships between PPSs may influence the content of the SEA environmental reports and post adoption statements. Three of the Adopted PPSs – No. 14, 29 and 121 – were also part of the Scottish Executive's Pathfinder Project (Section 1.3).

Information was gathered about the assessment methods stated as being used in SEA – Table 3.7. This information assisted with Chapter 5's discussion of the outcomes and implications of generating evidence of distributive environmental justice within the SEA process. To inform Chapter 6, who prepared the SEA documents (the name of the organisation and, if possible, the person within the organisation) together with evidence of participation in the SEA process was also extracted as Table 3.7 lists.

Table 3.7 Information sought and extracted from the content analysis of the SEA environmental reports from the sample of 16 plans, programmes and strategies

Code	Evidence sought and extracted from environmental report
Methods	The types of method used in the assessment
Preparation	Who prepared the SEA (The name of the organisation and, if available, the person within the organisation).
Participation	Evidence of participation in the SEA process

The potential and desirability of generating evidence of environmental justice via SEA (Chapter 4) is discussed by analysing the "economic", "social", "health" and "distributive" content of the guidance and the sample of 16 SEA environmental reports. How "health" should be mobilised within SEA connects to the existing debate about whether, or in what way, environmental assessment more generally (particularly project EIA) should account for social and economic factors (Glasson and Heaney 1993; Glasson 1995; Newton 1995 cited in Chadwick 2002; Chadwick 2002; Thérivel 2004). This was discussed in Chapter 2 together with the need, in support of environmental justice, for SEA to review distributive effects (Walker *et al* 2005; Walker 2007).

Extracts from SEA Guidance and the environmental reports were organised according to their place in the assessment process (Table 3.5). Summaries of this information were then made. Appendices G and H outline the economic, social, health and distributive content of each of the SEA Guidance documents and the environmental report. This content analysis required "economic", "social" and "health" effects to be defined. Previous studies have used the categories "economic" and "social" without fully defining these terms,

showing how categorisations were made or where the information appeared in the environmental reports (Fischer 2002).

The definitions of social, economic and health are important because there continues to be "little agreement in the literature or published guidance of what does and does not constitute a socio-economic impact" (Chadwick 2002, p.5). Box 3.2 shows the framework to define "economic", "social" and "health". This framework was developed for this thesis from previous studies that reviewed environmental statements or reports and identified effects as either economic or social (primarily Chadwick 2002). Health categories were identified with reference to literature on health impact assessment – taking account of SEA guidance for use in Scotland (Parry and Scully 2003; ODPM 2004; ODPM 2005; Parry and Kemm 2005; Scottish Executive 2006e; DoH 2007).

Box 3.2 Categories to identify effects as either economic, social or health (adapted from Chadwick 2002; Parry and Scully 2003; ODPM 2004; ODPM 2005; Parry and Kemm 2005; Scottish Executive 2006e; DoH 2007)

Category	*Type of effect*
E	**Economic**
E1	Direct employment, including employment generation and safeguarding of existing employment
E2	Indirect employment (e.g. skills or training for employment)
E3	Other labour market, such as changes in wage levels or commuting patterns
E4	Expenditure and income, including the use of local suppliers, rates and rental payments and other types of expenditure
E5	Existing commercial activities or the direct promotion of future activities (including tourism, agriculture and fisheries)
E6	The development potential of the area, including changes in the image of the area or in investor confidence
E7	Property values
S	**Social**
S1	Population and demographic structure
S2	Accommodation and housing
S3	Facilities or services (including healthcare facilities, access to transportation)
S4	Character or image of an area
S5	Stability (e.g. due to in-migration)
S6	Security (e.g. incidence of social problems such as crime)
H	**Health**
H1	Access to recreation, parks or areas of particular amenity value
H2	Physical activity (e.g. through public transport, cycling and walking)
H3	Exposure or potential for exposure (e.g. to noise, air pollution, contaminated or derelict land, flood risk)*
H4	Safety (e.g. road traffic accidents).
H5	Illness (e.g. respiratory illness, infections)
H6	Mental wellbeing (e.g. 'psychosocial' effects such as perception of safety or enjoyment of an area)

* Risks of exposure can be created by "disturbance of contaminated land" (Box 3.2, H3) but unless the relevant document states there is a risk of exposure this has not been taken into account

The categories used in the main source, Chadwick (2002), were prepared for an extensive review of project EIA environmental reports. As Chadwick's categories apply to projects they were adapted for use in this thesis. For example E4 (Box 3.2) originally concerned "project related expenditure" and E5 (Box 3.2) effects on existing commercial activities – but not future commercial activities. In this thesis reference must be made to the categories of economic, social or health issues for these to be integrated into the summaries of the SEA Guidance and environmental reports. For example "disturbance of contaminated land"[76] can create risks of exposure (Box 3.2, H3) but unless the relevant document states that there is a risk of exposure this has not been taken into account.

The review of the distributive content of environmental reports employed the same process as that of the economic, social and health content. The categorisations of distributive content, presented in Box 3.3, were derived from the report evaluating requirements and tools for distributional analysis prepared for Friends of the Earth – the FoE Report introduced in Chapters 1 and 2 (Walker *et al* 2005; Walker 2007). An additional category was added to separate effects of climate change from other distributive factors (Box 3.3, D9). The burgeoning discourse on climate change can then be distinguished from other spatial and temporal considerations "future generations" and "people in other countries". The category climate change applies to related references such as "greenhouse effect" or "global warming."

Box 3.3 Categories to identify effects as distributive (adapted from Walker *et al* 2005; Walker 2007)

Category	Social groups identified by:	
D	Distributive (general category)	
D1	Deprivation or income	
D2	Gender	
D3	Age	Social/ demographic groups
D4	Ethnic	
D5	Disability	
D6	Vulnerable groups	Groups susceptible to health impacts
D7	Future generations	
D8	People in other countries	Spatial/temporal groups
D9	Climate change	

The SEA Directive requires "the likely significant effects on the environment, including on issues such as…population…climatic factors [and] landscape" to be assessed. This means that all reports are more likely to make reference to "population and demographic structure" (Box 3.2, S1), "climate change"[77] (Box 3.3, D9) and "Character or image of an area"

[76] (No.76, p.16)
[77] Although "climatic factors" need not be interpreted as "climate change".

(Box 3.2, S4). These categories could have been omitted from Box 3.2 because it is likely, most if not all, of the reports include them. However, this highlights that the SEA process already includes factors that could also be defined as social or distributive.

There are a number of limits to this data analysis that also apply to extensive studies of environmental reports (e.g. Chadwick 2002; Kørnøv 2009). Summaries of the information contained in an environmental report do not indicate the number of times a reference was made to a topic. It does not detail *how* the topic was discussed, for example, whether it was assessed as positive or negative. Categories are not mutually exclusive – different categories can be applied to the same information. Additionally extracts may not show how the relationship between such categories has been presented, for example the links between "security" (Box 3.2, S6) and "mental well-being" (Box 3.2, H6).

However, extracting and analysing data in this way did enable a summary of the content of SEA environmental reports to be made. To ensure consistency between summaries, environmental reports had to be read through thoroughly. A thorough reading provided an improved understanding of the type of information found in such reports – including how factors external to an individual PPS may influence their content. Evidence for factors that may influence the content of these SEA reports and other documents were also gathered through generating perspectives on environmental justice and SEA. This is now discussed below.

3.4 Generating perspectives on environmental justice and SEA

The Scottish Executive's Partnership Agreement made a prominent link between environmental justice and sustainable development as Section 1.3 described. However, as Chapter 2 showed, the commitment to environmental justice, and how SEA could take it into account, was not fully articulated. Interviews and focus groups were used to explore this topic and to complement the documentary analysis. Section 3.4.1 provides an overview of how interviews were used, throughout the duration of this thesis, to gather views on environmental justice and SEA. Section 3.4.2 describes how specific views about how SEA could contribute to environmental justice were gathered using focus groups.

3.4.1 Semi-structured interviews

Peoples' views of environmental justice as a policy objective and SEA were gathered via semi-structured interviews. Table 3.8 shows interviews were conducted and audio recorded with 28 people either preparing environmental assessments (predominantly planners and

environmental consultants) or with those involved in SEA (for example those consulted on the SEAs including Consultation Authorities and NGOs). As Section 3.1 indicated the case study of environmental justice as a policy objective was initially exploratory. Thus, the early interviews were largely unstructured and were not directed at particular topics. As the thesis developed the interviews became more focussed.

Table 3.8 Interviews recorded during the progress of this PhD thesis. The date the interview was conducted, the type of organisation the interviewee represented and the interview format is provided.

Interview date	Type of organisation (number of interviewees)	Interview format
11 Feb 06	Consultation Authority	Face to face
16 Jun 06	Non Governmental Organisation (NGO)	Face to face
2 Oct 06	Scottish Executive (2)	Face to face
3 Nov 06	SNIFFER (2)	Face to face
10 May 07	Consultation Authority (1)	Face to face
21 May 07	Scottish Government (2)	Face to face
30 May 07	Responsible Authority (2)	Face to face
26 Jun 07	Consultant (1)	Face to face
4 Jul 07	Consultant (1)	Face to face
7 Sep 07	NGO (2)	Face to face
13 Aug 07	Consultation Authority (1)	Face to face
15 Aug 07	NGO (1)	Telephone
11 Sep 07	Consultant (1)	Face to face
13 Sep 07	NGO (1)	Face to face
14 Sep 07	NGO (1)	Telephone
9 Nov 07	Department of the Environment Northern Ireland (1)	Face to face
9 Nov 07	Academic (1)	Face to face
9 Nov 07	NGO (1)	Face to face
11 Oct 07	NGO (1)	Telephone
12 Oct 07	Responsible Authority (2)	Face to face
12 Oct 07	Campaigner (1)	Face to face
16 Oct 07	Responsible Authority (1)	Face to face

Face to face interviews took place in the offices of public authorities, environmental consultants and non-governmental organisations. Telephone interviews were conducted from the premises of the University of Strathclyde. Scheduled interviews tended to last for roughly one hour and informed consent was sought and gained (Appendix K). Participants were asked to talk about environmental justice or their experience of SEA implementation. Audio recordings and hand written notes from interviews were then transcribed. Details relevant to this thesis were then extracted from the interview transcripts. Information was also gathered from telephone calls. Where information and details provided were used for this thesis an overview of the discussion was sent to the respondent for validation. The following section shows how focussed opinions, about how SEA could contribute to environmental justice, were also gathered.

3.4.2 Focus groups

Information about how different professional groups perceived environmental justice and how SEA could take it into account has informed this thesis – which follows from the work undertaken by Beck (2003) who reviewed how health professionals interpreted this term. This information was gathered during focus groups within a workshop at the Scotland and Northern Ireland Conference on Strategic Environmental Assessment (SEA): Getting Better Value from SEA, the 'SEA Conference'. The SEA Conference was organised as part of the studentship supplied for this thesis by SEPA and SNIFFER. Individuals whose work links to the thesis topic were invited to speak. The Conference took place on Monday 20th October 2008 in St Andrew's in the Square, Glasgow, Scotland.[78]

The SEA Conference attracted 112 delegates including representatives from Academia (including students), Local Authorities, Central Government, Executive Agencies, Non-Departmental Bodies (including regulators), Environmental Consultancies and NGOs. A full report of the proceedings is available online (McLauchlan 2008). Overall the conference explored 'Getting better value from SEA'. This title links SEA to the best value and sustainability agenda in Scottish and Northern Irish Local Government[79] (Birley 2007), and to SEAs potential to add value to public sector decision making (Partidário 2000).

The SEA Conference began at 10.45am, opening with a session with three guest speakers' whose presentations related to legal challenge in SEA. Following a lunch break the focus groups commenced at 1.30pm. Thus the focus groups were informed by the preceding presentations. A brief (10 minute) introduction to environmental justice and its links to SEA was provided.[80] Delegates discussed a small number of general topics (Bryman 2004, p.352) concerned with SEA as a tool to take account of distributive environmental justice by focusing on:

- Assessment methods or approaches;
- Appropriate data;
- Examples of how participants had used SEA to account for environmental justice or similar topics.

Data was gathered from delegates using questionnaires provided to them upon arrival. The questionnaire included information about the purpose of the focus group, a series of

[78] No 1 St Andrews Square, Calton, Glasgow G1 5PP.
[79] Local Government in Scotland Act 2003.
The Local Government (Best Value) Act (Northern Ireland) 2002.
[80] An indication of environmental justice's potential breadth (Chapter 1) and the Scottish Executive's 'distributive' the 'procedural' definition (Box 1.3) was provided.

questions for delegates to answer[81] and a section for them to give their informed consent to take part in the focus group and to be audio recorded.[82] Questionnaires were collected after the focus group discussions and this revealed that of the 97 delegates[83] that participated, 86 lived and worked in Scotland and five in Northern Ireland, two focus group in England, and one in each Belgium, The Netherlands, Pakistan and Spain.

To structure the groups, delegates were pre-assigned to a group according to the information they provided when they registered for the SEA Conference. This included the type of organisation they worked for (e.g. Local Government) and also their role within that organisation (e.g. Environmental Health Officer). Table 3.9 lists the number of the group, the organisation type and role of the participants in each group. Table 3.9 shows each group had between seven to 11 people, roughly corresponding to similar UK studies (Bryman 2004, pp.350-351). Two of the groups were a mix of different organisations and roles. The number of participants included a moderator (who was chosen from the group and briefed in advance of the event) and a student note taker (who generally did not participate in the discussion).

Table 3.9 The discussion groups that took place during the SEA Conference Oct 08 organised by the participants' organisation type and role. Note takers were at all the tables and seven of 11 tables were audio recorded.

Group	Participants' organisation type and role	No. of people in each group[1]
1	Mix: Academics (Law), Lawyer + others	8
2	Academic: Students	7
3	Consultation Authorities or Bodies	10
4	Local Government: SEA Officers or Sustainability Officers	10
5	Academic: Students	8
6	Mix: SEA practitioners' and NGOs	11
7	Local Government: Planners	11
8	Academic: Students	8
9	Environmental Consultants	8
10	Local Government: Environmental Health Officers	7
11	Academic: Students	9

Most of the MSc and undergraduate students who attended were not involved in the implementation of SEA and so groups 2, 5, 8 and 11 were not audio recorded.
[1] Includes note takers who generally did not participate discussions

Choosing moderators from within the groups meant their occupational background reflected that of the group. Such minimal intervention would allow participants' to discuss the topic, ask questions and argue (Bryman 2004, p.350). Audio recordings were transcribed with note

[81] Questions included information about the delegate's age group, country of residence, country of employment, experience of SEA, awareness of environmental justice and a final question about what aspect of the conference programme had attracted the delegate to the SEA Conference.
[82] The questionnaire made clear that the focus group may be audio recorded and informed delegates that all data gathered – responses to questionnaires, audio recording and transcripts of audio recordings – would be made anonymous and kept in a secure location.
[83] Eight delegates attended only the morning session and four Doctoral Researchers and three other academic staff who assisted with the event did not participate.

takers notes used to improve the accuracy in transcription. The conference report provided an overview of the breadth of the discussion from an analysis using the qualitative data analysis software, NVIVO (McLauchlan 2008).

Having the groups' categorised by organisation and occupation alleviated the problem of power distance between individuals. Additionally, it did allow for reflection on whether there was "systematic variation in the ways which different groups discuss a matter" (Bryman 2004, p.353). Variation was evident. However, rather than present this systematic variation in how different groups understand environmental justice, the results from the focus groups inform the analysis presented by this thesis. They assist with explaining "*what may be*" in light of past events. The next Chapter begins this thesis' examination of environmental justice as a policy objective – reviewing the outcomes and implications of employing SEA to generate evidence of environmental justice.

Chapter 4
Evidence

A wealth of research studies in the United States (US) used "distributional analysis" to generate evidence of environmental injustice, as Section 1.1 established. Distributional analysis quantitatively compares measures of environmental quality against the characteristics of particular population groups, with the intension to expose inequalities between groups in the distribution of environmental quality. This reflects the objective of environmental justice's distributive strand, to ensure particular population groups are not routinely disadvantaged by poor quality environments. Distributional analysis was recommended for use in environmental assessments linked to US Federal Government actions.

The United Kingdom (UK) government sponsored distributional research was modelled on US research. Section 1.2 described how two different groups, both with the involvement of Gordon Walker, prepared the official UK distributive research. Another group, also led by Gordon Walker, then recommended distributional analysis could be implemented via a variety of appraisal tools, including strategic environmental assessment (SEA) *and* indicated that research should evaluate distributional analysis within existing SEA practice. Section 1.2 also identified that distributional research was central to raising the prominence of environmental justice, in particular so that environmental justice could be included in sustainable development policy. This increased the likelihood that appraisal tools active in the UK, and potentially the European Union (EU), would incorporate distributional analysis or distributive concepts or both.

This Chapter examines the outcomes of integrating distributional analysis and distributive concepts into Scottish SEA. Section 4.1 assesses whether the recommended form of SEA supports distributional analysis. Section 4.2 reviews methods currently employed in SEA to evaluate distributional analysis within existing SEA practice. Section 4.3 appraises the distributive content of the prevailing method used in SEA, SEA Objectives. Section 4.4 concludes this Chapter with an overview of the practicality of integrating distributional analysis and distributive concepts into public sector decision-making via SEA. Section 4.4

also interrogates the theoretical links presented in Box 2.3 whilst highlighting the contradictions within the work of the different groups in which Gordon Walker was involved.

4.1 Distributional analysis and the recommended form of SEA

The policy objective, environmental justice, requires evidence to be generated to target resources towards people or groups subject to 'injustice'. Chapter 1 discussed that in this context "injustice" manifests itself as unequal distributions of environmental quality, thus extending the distributive concerns of social justice to the environment. The dominant method of generating evidence of distributive environmental injustice – distributional analysis – was first introduced in Section 1.1. Distributional analysis assesses distributions of environmental quality in relation to specific population groups. Section 1.2 highlighted that UK distributional research was taken forward by two different, but related, groups. The first group recommended that "robust" distributional analysis should take account of the methodological issues presented in Table 1.3.

Two members of the group that took forward the research for the Environment Agency on 'environmental quality and social deprivation', Gordon Walker and Gordon Mitchell, together with Helen Fay, prepared a report for Friends of the Earth (FoE) *Environmental Justice Impact Assessment: An evaluation of requirements and tools for distributional analysis* (Walker *et al* 2005), "the FoE Report". The FoE Report proposed that integration of environmental justice into decision-making could be improved by incorporating distributional analysis into a range of policy appraisal tools routinely used in the UK. One appraisal tool, SEA, was thought particularly appropriate because it is statutory, driven by a European Directive and has to be widely applied. This Chapter examines the broader outcomes and implications of routinely generating evidence of distributive environmental justice for integration into public sector decision-making via SEA.

To assess what appraisal tools could contribute to environmental justice, the FoE Report looked beyond legislation to review "relevant academic literature, published reports and other information (from government and official websites)" (Walker *et al* 2005, p.8). The FoE Report showed uncertainty about whether or how SEA would take account of social or demographic groups – the Selection of Study Population in Table 1.2. The SEA Directive, subsequent SEA regulations active in the UK and the SEA Act require methods employed in the assessment to be described, but do "not require particular methods to be used" (Scottish Executive 2006e, p.4[128]). The FoE Report stated:

> "Through the process of participatory scoping of themes and objectives, and selecting indicators and targets, environmental equity may be included in an SEA if stakeholders see this as important" (Walker *et al* 2005, p.14).

SEA practice can be informed by a wealth of literature, including Thérivel's "coherent 'how to do it' approach for the practitioner", *SEA in Action* (Thérivel 2004, back cover). However, the strongest recommendations on how the SEA process should be undertaken come from official guidance – much of which Thérivel prepared (Thérivel *et al* 2004).[84] Therefore although the requirements of the legislation are open to interpretation, in support of legislation, there is an established view about how SEA should be carried out.

SEA was actively promoted by the Scottish Executive as a means to tackle environmental justice. However, Ross Finnie, the Minister who introduced the SEA Bill (Section 2.3), recognised that the delivery of commitments to sustainable development and environmental justice "will depend on civic Scotland taking ownership of the agenda [the Scottish Executive] outlined" (Finnie 2003, p.4). Arguably, delivery also rests on whether environmental justice was promoted for inclusion in SEA and in particular, within official guidance recommended by the Scottish Executive showing how to manage an SEA process.

The FoE Report stated that "Scottish guidance on implementation of SEA is stronger [than UK Guidance] on environmental equity as a main theme" (Walker *et al* 2005, p.14). No guidance for use in Scotland explicitly communicated how SEA could account for environmental justice. One UK wide guidance document makes direct reference to environmental justice, namely the Practical Guide to the SEA Directive (ODPM 2005), which affirms the importance of the Partnership Agreement commitment. It replicated its commitment to environmental justice (Box 1.2) in relation to the priority the Scottish Executive "attaches to sustainable development" (ODPM 2005, p.20[22]).

Therefore, what evidence SEA guidance suggests could be included in SEA in support of environmental justice is examined in this section. This is set in the context of the theoretical links between SEA and environmental justice listed in Table 2.4. Section 4.1.1 introduces the SEA Guidance for use in Scotland. The following Sections consider what SEA guidance can contribute to putting the concept of environmental justice into operation either via distributional analysis or the inclusion of distributive information. Section 4.1.2 outlines the methods SEA Guidance proposes for use in SEA. Finally Section 4.1.3 focuses

[84] Thérivel's website (Levett–Therivel 2010) indicated Thérivel's involvement in the preparation of: A Draft Practical Guide to the SEA Directive (ODPM 2004); A Practical Guide to the SEA Directive (ODPM 2005); The SEA templates contained in the Scottish SEA Tool Kit (Scottish Executive 2006e); the Strategic Environmental Assessment for Transport Plans and Programmes: TAG Unit 2.11 (Department for Transport 2004) (with Transport Research Laboratory); and Strategic Environmental Assessment and climate change: Guidance for practitioners (Levett–Therivel 2007).

on the recommended content of the SEA assessment – specifically what population groups SEA Guidance for use in Scotland recommends should be considered and why such recommendations have been made.

4.1.1 SEA Guidance for use in Scotland

There is a wealth of English language guidance available about how to carry out SEA; general guidance (ODPM 2005; Scottish Executive 2006e), specific guidance for topics such as climate change or biodiversity (English Nature *et al* 2004), and case studies (RSPB Undated [2007]). This section focuses on official SEA Guidance for use in Scotland. How the content of guidance influences SEAs ability to be a tool to promote environmental justice is appraised, in relation to the opportunities it provides to incorporate distributional analysis, distributive concepts or both into SEA. The relative status of guidance, what is recommended for use in different circumstances, arguably intends to influence how it is used. This is now discussed.

Guidance is not a substitute for legislation (Scottish Executive 2006e, p.4[8]). However, guidance documents provide "information and guidance on how to comply" with the SEA Directive (ODPM 2005, p.6). The preparation and dissemination of guidance was central to the development and promotion of Scottish SEA. Table 2.3 lists: the launch of the SEA Tool Kit (26 Sept 06); UK guidance on health in SEA (26 Nov 06); the production of SEA guidance to assist with assessment of air, water and soil (09 Jun 08);[85] and to connect SEA to Scottish planning system reform (30 Nov 09; Scottish Government 2009h).

Table 4.1 provides a chronology of SEA Guidance, recommended for use in Scotland, listing the abbreviated name used by this thesis. The Practical Guide is the main UK Guidance, the Draft Practical Guide is the consultation document on which it was based, and the SEA Tool Kit is the most up-to-date Scottish Guidance. The SEA Tool Kit, the Practical Guide and the Draft Practical Guide all recommend users "refer primarily to the relevant specific guidance when preparing" PPSs associated with "land use and spatial planning and transport planning" (ODPM 2005, p.6[8]; Scottish Executive 2006e, p.4[8]). In Scotland the Tyldesley Report is the land use and spatial planning guidance, and the transport guidance is the suite of tools associated with the Scottish Transport Analysis – including the Scottish Transport Appraisal Guidance (STAG) (Table 4.1).

[85] The guidance on air, water and soil was launch at the National SEA Forum organised by The Scottish Government Directorate for the Built Environment, Victoria Quay, Edinburgh. 3rd November 2009.

Table 4.1 A chronology of SEA Guidance for use in Scotland including the abbreviated name used by this thesis. The content of this guidance influenced the assessment in the FoE Report that SEA could contribute to environmental justice (Walker *et al* 2005). Therefore guidance available after the FoE Report was written is shaded in grey.

Date available	*UK strategic environmental assessment guidance*	*Authors*[1]	*Abbreviation*
Aug 03	Environmental Assessment of Development Plans: Interim Planning Advice	David Tyldesley and Associates (DTA)	Tyldesley Report
Sep 03	Scottish Transport Appraisal Guidance	Scottish Executive (2003b)	STAG
July 04	Scottish Planning Series Planning Circular 2 2004: Strategic Environmental Assessment for Development Planning; the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004[2]	Scottish Executive (2004c)	SEA Circular
July 04	A Draft Practical Guide to the Strategic Environmental Assessment Directive	Office of the Deputy Prime Minister (ODPM)	Draft Practical Guide
Sep 05	A Practical Guide to the Strategic Environmental Assessment Directive	ODPM	Practical Guide
Oct 06	Strategic Environmental Assessment Tool Kit	Scottish Executive (2006e)	SEA Tool Kit
Mar 07	Draft Guidance on Health in Strategic Environmental Assessment: Consultation Document	Department of Health and the Health Protection Agency	Draft Health Guidance
June 08	Draft Guidance on Air, Water and Soil	SNIFFER	

[1] As listed in the document. As previously discussed a number of authors may have engaged in the preparation of the documents (e.g. Thérivel *et al* 2004).

[2] The circular was introduced to summarise "the Scottish Ministers' understanding of the general effect of the relevant primary or secondary legislation" (Scottish Executive 2004c, p.[4]) and therefore just outlines the SEA requirements and is not discussed in detail below.

The Tyldesley report was prepared before the SEA Regulations and the SEA Act and it therefore made "assumptions about the interpretation of the Directive that may differ from those included in the Regulations" (DTA 2003, p.6[7]). The Tyldesley report applies to "land use and spatial" plans – the advice it contains is "concerned with environmental assessment in structure and local plans" (DTA 2003, p.6[7]).[86] However, the term spatial planning can refer to "financial, resource, managerial and non-land use issues" (Tewdr-Jones 2004, p.560). Despite this guidance being out of date its content could apply to a potentially broad range of plans and programmes. The Tyldesley report is currently being updated and a draft planning advice note is now available on this topic (Scottish Government 2009h; Scottish Government representative, pers. comm., 12 Jan 09).

[86] This concurs with other broad English definitions of spatial plan which still link this term to a specific planning system (DCLG 2008).

STAG was introduced in 2003 and required "all transport proposals for which Scottish Executive support or approval is required, [to] be appraised in accordance with this guidance" (Scottish Executive 2003 p.1-1[27]). STAG "utilises a two-part appraisal process" (Scottish Executive 2003 p.[70]). The first part is very general with the second reviewing a series of topics related to government policy – Environment; Safety; Economy; Integration; and Accessibility and Social Inclusion – at a level of detail appropriate to the proposal. Further guidance is given as to what topic should be reviewed in the second stage, the broad categories of which are listed in Box 4.1.

Box 4.1 Topics covered by the Scottish Transport Appraisal Guidance (STAG) (Scottish Executive 2003)

Noise and vibration; Global air quality – carbon dioxide (CO_2); Local air quality – particulate matter (PM^{10}) and nitrogen dioxide (NO_2); Water quality, drainage and flood defence; Geology; Biodiversity and habitats; Landscape; Visual amenity; Agriculture and Soils; and Cultural heritage.

The guidance states "STAG is not a substitute for any assessment required for administrative, financial, technical or statutory reasons", then makes specific reference to SEA and EIA. It then goes on to state that "STAG takes account of existing appraisal techniques and processes" and that "many of the outputs from the appraisal process [are] complementary to those required for statutory reasons" (Scottish Executive 2003, p.1-1[27]).

This sector specific guidance will be relevant for a large number of the PPSs being taken forward in Scotland. Table 4.2 lists the different types of the 78 PPSs where SEA has been applied and gone through public consultation in the time period of this thesis documentary analysis (21 Jul 04-20 Nov 07). The Tyldesley report, available in August 2003, would, at minimum, be the main guidance for those PPSs under the rubric "planning" i.e. 29% of the total. STAG, first available in 2003, would be used alongside SEA for all those within the "transport" sector. Therefore, many of the PPSs either refer to guidance which is essentially outdated (the Tyldesley report) or the SEA will be prepared alongside another form of assessment (STAG).

Table 4.2 The Scottish plans, programmes and strategies where SEA environmental reports have been consulted on separated by Sector. The numbers where a post adoption statement was available from the SEA Gateway on 20 Nov 07 are identified

Type of PPS (SEA Directive Sectors[1])	*PPSs that have gone through consultation (the brackets indicate the number where a post adoption statement was available from the SEA Gateway)*				
	Voluntary	*Scottish SEA Regulations*	*Scottish SEA Act*	*Total*	*Percentage[4]*
Agriculture	-	-	2	2	3
Forestry	-	1(1)	-	1(1)	1(1)
Fisheries	-	1	-	1	1
Energy	1	3	1	5	8
Industry	-	-	-	-	-
Transport	1	11(3)	10(2)	22(5)	28(6)
Waste management	-	1	-	1	1
Water management	-	2	-	2	3
Telecommunications	-	-	-	-	-
Tourism	-	6(1)	2(1)	8(2)	10(3)
Planning[2]	1	19(1)	3	23(1)	29(1)
Other[3]	2	3(3)	8(4)	13(7)	16(9)
Total	5	47(9)	26(7)	78(16)	100(21)

[1] Derived from the SEA Directive.
[2] Includes the SEA Directive categories 'town and country planning and land use'.
[3] In this Table 'other' means that the PPS was not identified as one of the eleven categories listed in the SEA Directive.
[4] Percentages (%) are rounded to the nearest whole number.

Unlike other guidance, there was no consultation on the main content of most up to date Scottish guidance, the SEA Tool Kit.[87] This absence of consultation meant there was no opportunity provided to draw attention to whether or not the SEA Tool Kit supported the policy objective environmental justice. Friends of the Earth Scotland's (FoES) response to the SEA Bill suggested distributional analysis could be undertaken within SEA in support of Scotland's commitment to environmental justice (FoES 2004). If able, they may have made a similar response to consultations on the SEA Tool Kit. The next section examines the content of the Guidance for use in Scotland and the methods it recommends for use, reviewing how these methods can enable evidence of environmental justice or injustice to be generated.

4.1.2 Methods recommended for use in Scottish SEA

The FoE Report linked SEA to the delivery of an environmental justice policy, a link made in part because of the content of the SEA Guidance. As Table 4.1 indicated, the FoE Report was prepared in advance of the SEA Tool Kit, thus the FoE Report referred to the Tyldesley report when it stated Scottish guidance "is stronger on environmental equity as a main theme" (Walker *et al* 2005, p.14). No SEA Guidance for use in Scotland prescribes

[87] There was consultation on the content of the templates included in the SEA Tool Kit, in particular an event on 10 Feb 05 (Table 2.2). However, there was no general consultation on the overall content of the guidance.

assessment methods. SEA requirements and methods recommended for use by SEA Guidance are now described to examine how SEA can integrate distributional analysis *and* distributive information into decision-making.

SEA must predict and evaluate the likely significant effects on the environment. Prediction requires identifying "the changes to the environmental baseline which are predicted to arise from implementing the PPS, including its alternatives" (Scottish Executive 2006e, p.6[112]); evaluation involves "forming a judgement on whether or not a predicted environmental effect will be significant" (Scottish Executive 2006e, p.6[112]).[88] The SEA Directive defines 'environment' by use of 12 environmental parameters listed in Box 2.1. Therefore the Responsible Authority must "assess and report the significant effects of the plan, programme or strategy (PPS) on the 12 environmental parameters" (Scottish Executive 2006, p.4[128]). Table 4.3 provides a summary of prediction and evaluation techniques for SEA listed in the Practical Guide. Techniques identified as suitable for distributional analysis are indicated.

Table 4.3 Prediction and evaluation techniques recommended for use by SEA Guidance for use in Scotland. Adapted from the Practical Guide (ODPM 2005, p.76[78]). The table highlights those closely linked with distributional analysis.

Technique name	SEA activities where technique can be used					Linked with Distributional analysis
	Establish baseline	Identify effects	Predict effects	Evaluate effects	Test for consistency	
Tables (or matrices)	✓	✓	✓	✓	✓	-
Expert judgement	✓	✓	✓	✓	✓	-
Public participation	✓	✓	-	✓	-	-
Quality of Life Capital	✓	-	-	✓	-	-
Geographical Information Systems (GIS)	✓	-	✓	✓	-	✓
Network analysis	-	-	✓	-	-	-
Modelling	✓	-	✓	-	-	✓
Scenario/ sensitivity analysis	-	-	✓		-	-
Multi-criteria analysis	-	-	-	✓	-	-
Carrying capacity, ecological footprints	-	-	-	✓	-	-

✓ SEA activities where technique can be used
- SEA activities not connected with technique

A description of these and other techniques can be found in Thérivel (2004), including an overview of their advantages and disadvantages. The Practical Guide and its draft also indicated other prediction and evaluation techniques could be used such as: network diagrams, causal chain analysis, threshold analysis (linked to carrying capacity) and trend analysis (ODPM 2004, p.72; ODPM 2005, p.76 [78]). Techniques to account for cumulative impacts are also listed (ODPM 2004, pp.61-62; ODPM 2005, pp.82-83). All of these techniques could be used to undertake some form of distributional analysis.

[88] The "significant effects" listed in the SEA Directive include "secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects" (Annex 1(f)).

The two techniques most closely related to distributional analysis are Geographical Information Systems (GIS) and Modelling. GIS is a computer-based tool used to manipulate geographical data. Often the output from GIS takes the form of maps. In relation to environmental justice GIS can be used to capture, process and analyse data reviewing relationships between population groups and environmental "goods" and "bads". There are a large number of different forms of modelling. In this case modelling is related to numerical modelling, invariably using computers, where a series of variables are given definite values and are manipulated to predict the outcomes of different course of action. GIS and Modelling can be used to describe baseline[89] and also to predict impacts. GIS can also be used to evaluate impacts.[90] The Tlydesley Report made no reference to either GIS or modelling (DTA 2003).

GIS and modelling are not the *main* techniques proposed for use in SEA. Table 4.3 indicates that Tables (or matrices) is the only technique that can potentially be used in all SEA activities listed, from establishing baseline to evaluating effects. To populate these tables all Guidance illustrates how assessments can be done using "SEA Objectives" to "test the strategic action or proposal and thereby predict its impacts" (Scottish Executive 2006e, p.4[128]). Section 1.2 discussed the nature of objectives – identifying that environmental justice itself is an overarching objective of policy. In contrast SEA objectives can be used within the SEA assessment. SEA Objectives are statements which are "devised to test the environmental effects of the [PPS] or to compare the relative effects of alternatives" to the PPS (ODPM 2005, p.64[66]).

> "SEA objectives can often be derived from environmental objectives which are established in law, policy, or other plans or programmes, or from a review of baseline information and environmental problems. They can be used or adapted for SEAs of related plans and programmes, whereas each individual plan or programme has its own specific objectives" (ODPM 2005, p.29[31]).

A quantitative distributional analysis is likely to use large amounts of data. The use of a large amount of data to predict the environmental effects of a plan, programme or policy could make SEA unmanageable. Thus SEA Objectives can represent clusters of data (Thérivel 2004). Thérivel (2004, p.76) describes that, within SEA, broad themes are employed to describe categories of impact, such as SEA Directive issues "air" or "climate". SEA Objectives can specify desired directions for change and these can then be linked to indicators and potentially targets e.g. the SEA Objective to "reduce greenhouse gas emissions" could connect to the new target for the "net Scottish emissions account for the

[89] The Draft Practical Guide, Practical Guide and the SEA Tool Kit all indicate Geographical Information Systems can be used to collect and present baseline information so that "geographical patterns and linkages can be established and explored" (ODPM 2004, p.56; ODPM 2005, p.50[52]; Scottish Executive 2006e, p.7[91]).

[90] The SEA Tool Kit also suggests that "Computer Modelling" can be used and "Spatial analysis using Geographic Information System (GIS) or overlay mapping" for the assessment of cumulative, secondary and synergistic effects noting that "that many of these are also used generally in SEA" (Scottish Executive 2006e, p.6[154]).

year 2020 [to be] at least 42% lower than the baseline".[91] SEA Objectives could also include distributive concepts such as "health inequality".

The potential future outcomes of the PPS objectives or implementation of different PPS alternatives are often predicted and evaluated by comparing them with SEA Objectives within matrices. SEA Objectives can also be tested against one another for consistency (ODPM 2005, p.76[78]); "matrices are normally presented as appendices and their results summarised as findings" (Scottish Executive 2006e, p.10[65]) in the main body of the SEA environmental report. Figure 4.1 recreates an extract from one environmental report in the sample, Report 69, illustrating how SEA Objectives have been used in a matrix.

SEA Objectives (See chapter 3)	**LTS Objectives**					**Comments Regarding Potential Incompatibilities** (Letters A-E refer to the LTS objectives)
	A. Support the continuing physical, **social, economic, cultural and environmental regeneration** of the City by maintaining and promoting efficient and effective transportation services and infrastructure within Glasgow.	**B.** Promote **social inclusion** and tackle poverty by seeking to ensure that transport is accessible to all sections of the community and provides good links to employment, health care, education and leisure.	**C.** Promote **healthy & environmentally** sustainable of transport that minimise harmful emissions and energy consumption including those that involve physical activity.	**D.** Improve the **safety** and the actual and perceived security of travelling within the City by reducing accidents and enhancing the personal security of all users of the transport network.	**E.** Promote **integration** of the transport system and provision of travel information within Glasgow.	
Reduce crime & fear of crime	-	-	✓	✓	-	
Reduce transport related social exclusion by increasing accessibility	✓	✓	✓	-	✓	

Key

✓	**Compatible**
×	**Not Compatible**
-	**No or Negligible Relationship**

Figure 4.1 Extract from an environmental report (SEPA No.69) illustrating how SEA Objectives can be used in a matrix. In this case the matrix tests the Objectives of Glasgow City Council's Local Transport Strategy (LTS) with SEA Objectives (Faber Maunsell/AECOM 2006, Composite of p.[106, 109])

[91] Climate Change (Scotland) Act 2009.

SEA Objectives	Maintain constructive involvement with independent community bodies such as the Community Woodlands Association, Reforesting Scotland and those representing small forest-related businesses	Increase opportunities for community participation in woodland ownership and management	Support local authorities and community planning partnerships in maximising QOL benefits of woodland through plans and partnerships	Ensure social and environmental value of existing and new trees is fully recognised in development control process	Promote the creation and active management of high quality woods in and around communities to maximise contribution to QOL	Facilitate the use of woods in and around communities for physical activity, learning, relaxation and enjoyment	Mainstream community engagement good practice	Improve the evidence base on how to secure maximum benefit from woods in and around communities	Facilitate the provision of affordable housing and where appropriate the development of woodland crofts	Ensure the national forest estate leads by example	Characterisation of effects on baseline – magnitude of impact and sensitivity of receptors**(including assumptions and mitigation proposals**
Air											
To minimise the air quality impacts of timber transport and processing	0	0	0	0	0	0	0	0	0	0	There is a minor **positive** correlation between this theme and the SEA objectives in relation to promoting the creation and active management of woods around communities and improving the evidence base to secure maximum benefit from woodlands in and around communities and the contribution this makes to air quality. There are no negative effects or uncertainties. The positive effects are likely to be **temporary** and occur in the **medium** term. There is a **cumulative** impact between improving the evidence base on how to secure maximum benefit from woods in and around communities and promoting the management and creation of woods in and around communities to maximise contribution to QoL as greater evidence will assist in the promotion of woodland creation and management. No **synergistic** or **secondary** impacts are envisaged. The SFS should emphasise the importance of environmental justice and the role of a healthy environment in contributing to quality of life.
To maximise the role of woodlands and forestry in contributing to air quality	0	0	0	0	+	0	0	+	0	0	
Climate											
To increase the potential of the forestry sector in contributing to Scotland's renewable energy resources	+	0	0/+	0/+	0	0	0	0	0	0	There is a potential weak positive correlation between this theme and the SEA objectives. No negative effects are anticipated. There is some uncertainty regarding the effect of community planning partnerships contributing to quality of life and woodland plans and partnerships and renewable energy and carbon sequestration, and the recognition of the social and economic value of trees in the development control process and renewable energy and carbon sequestration. If these effects occur they are likely to be temporary and occur in the short to medium term as the issues of renewable energy generation from woodland and carbon sequestration are integrated into the policy process. No major cumulative, synergistic or secondary impacts are envisaged. The SFS should emphasise the multi disciplinary benefits of woodland and forestry and support the exploration of the viability of integrating different uses within policies and plans.
To further increase the role of woodland and forestry in achieving carbon sequestration	0	0	0/+	0/+	0	0	0	0	0	0	
To ensure that woodland and forestry planning and management takes account of the need to adapt to climate change	0	0	0	0	0	0	0	0	0	0	
Landscape											
To increase the contribution of forests and trees to scenic values, including distinctiveness and diversity of the landscape.	0	0	0	0	++	0	0	0	0	0	This theme correlates positively in relation to the SEA objective of promoting and creating active management of high quality woods in and around communities to maximise contribution to QoL.. No negative effects or uncertainties have been identified. The positive effect of this theme is likely to occur in the medium to long term in the case of the creation of new woodlands, although the active management of existing woodlands could have an effect in the short term. No cumulative, synergistic or secondary impacts are envisaged.
To help deliver Executive policies for the historic environment.	0	0	0	0	0	0	0	0	0	0	
To increase awareness and understanding of natural and cultural heritage related to woodlands	+	0	0	0	0	0	0	0	0	0	

Figure 4.2 Extract from an environmental report appendix (SEPA No.29) illustrating how SEA Objectives can be used in a matrix. In this case the matrix tests the Objectives of *The Scottish Forestry Strategy* with SEA Objectives (Land Use Consultants 2006b p.[95]) [Key not included in report]

In this case, the matrix tests the Objectives of *Glasgow City Council's Local Transport Strategy* (LTS) against SEA Objectives. The extract presented in Figure 4.1 shows use of only two of 12 SEA Objectives used in the final report. Figure 4.2 is an extract from Report 29, *The Scottish Forestry Strategy*. Comparing Figure 4.1 and 4.2 demonstrates how SEA Objectives can be used in very different ways. Glasgow's Local Transport Strategy provides few comments whereas the Scottish Forestry Strategy uses extensive examples to qualify the judgements made.

Guidance indicates "Each SEA objective should be genuinely needed and should not duplicate or overlap with other objectives" (ODPM 2004, p.48[54]; ODPM 2005, p.67[69]; Scottish Executive 2006e, p.67[69]).[92] The SEA Tool Kit states "between 8 and 16 objectives are normally enough to cover the range of topics needed for SEA and to keep the process efficient and manageable" (Scottish Executive 2006e, p.9[133]). The Draft Practical Guide suggests "between 12 and 25 objectives" (ODPM 2004, p.48[54]) whereas the Practical Guide stipulates no range. Thérivel suggest "between 12 and 30" (Thérivel 2004, p.83). The content of examples of SEA Objectives within guidance are reviewed to reveal what distributive concepts they suggested for inclusion.

4.1.3 Distributive concepts suggested for inclusion in SEA

SEA objectives are the established method recommended for use in SEA. This section examines what distributive concepts SEA Objectives within UK guidance for use in Scotland suggested SEA could include. Most Guidance "suggests some SEA objectives and indicators" (ODPM 2004, p.46; ODPM 2005, p.64[66]; Scottish Executive 2006e, p.6[130]); the Practical Guide adds that the "Responsible Authority can adapt these to take account of local circumstances and concerns, for instance adding or deleting local environmental objectives" (ODPM 2005, p.64[66]). Figure 4.3 summarises the information UK and Scottish SEA Guidance suggests could be included in SEA Objectives. Categories set out in Boxes 3.2 and 3.3 were used to identify the economic, social, health and distributive content. For ease of reference Appendix L contains a removable copy of Boxes 3.2 and 3.3.

[92] The phrasing is slightly different in the Practical Guide "Each objective is genuinely needed and does not duplicate or overlap with other objectives" (ODPM 2005, p.67[69]).

Figure 4.3 Economic, social, health and distributive content of SEA objectives included within SEA Guidance for use in Scotland. Table 4.1 provides the full titles of Guidance documents. The economic, social, health and distributive content is identified by Boxes 3.2 and 3.3 (also listed in removable Appendix L).

Figure 4.3 illustrated content identified as "social" appears within the examples of SEA Objectives from each guidance document. The Practical Guide extends the Draft Practical Guide to include further social, health and distributive information within the SEA Objectives. The SEA Tool Kit claims to rely on the Practical Guide for its content (Scottish Executive 2006e, p.4[8]). However, Figure 4.2 indicates there are differences in the social, health and distributive information contained in the SEA Objectives of these two guidance documents. The Tyldesley report omits effects on climate change (Figure 4.1, D9) and contains economic and distributive information absent from the SEA Tool Kit.

The economic, social, health and distributive information SEA Objectives suggest for use in SEA is important to the promotion of environmental justice as a policy objective. This is particularly relevant to Scotland where conflicting advice was given about what should be included in SEA. Section 2.3 established that to prioritise the environment the Scottish Executive recommended that SEA should not include the social and economic information linked to broader definitions of health. However, environmental justice in the UK has been linked to deprivation and other social and economic indicators such as income. Thus, the assessment of environmental justice within SEA likely requires a broader definition of health to be employed, taking account of the social or economic status of different population groups.

To focus the discussion on the use of SEA for distributional analysis, the social, economic, health and distributive content (as defined by Boxes 3.2 and 3.4) of suggested SEA Objectives is now reviewed in greater detail. Comparisons are made between different guidance documents of the SEA "issues" identified by the SEA Directive (Annex 1(f)), referred to as SEA topics by the guidance. The topics are "Population and Human Health", "Air", "Climatic factors". The topics "Biodiversity, fauna and flora", "Water and soil", "Cultural heritage" and "Landscape" also contained differences, but to provide focus on the topic of this section, distributional analysis, an in-depth analysis has been omitted.

Table 4.4 compares the Draft Practical Guide and the Practical Guide. Nothing was removed from the Draft Practical Guide text – only additional information was added. Table 4.4 states that the Practical Guide SEA topic "Population and human health" adds to the draft with the distributive concern to "create conditions to improve health and reduce health inequalities". The distributive indicator "percentage of population living in most deprived areas/reliant on key benefits/ income" is also added. The SEA Topic "Air" also includes the possible health SEA objective "reduce respiratory illnesses". Therefore, Table 4.4 demonstrates that the Practical Guide contains comparatively more information about health and health inequalities than the consultation document that it updated – the Draft Practical Guide. Therefore a decision was made to include distributive content in the UK SEA Guidance, namely the Practical Guide, after consultation on the Draft Practical Guide.

Table 4.4 A comparison of "Examples of SEA objectives and indicators" suggested for use in SEA by the Draft Practical Guide and the Practical Guide

SEA topics	Possible SEA objectives (to be adapted to regional/local circumstances by deletions, additions and refinements)	Possible SEA indicators: ways of quantifying the baseline, prediction, monitoring (to be adapted to regional/local circumstances by deletions, additions and refinements)
Population and human health	• create conditions to improve health and reduce health inequalities • promote healthy living • protect and enhance human health • reduce and prevent crime, reduce fear of crime • decrease noise and vibration • increase opportunities for indoor recreation and exercise	• size of population • changes in demography • years of healthy life expectancy / infant mortality rate • mortality by cause • recorded crimes per 1,000 population • fear of crime surveys • number of transport/pedestrian/cyclist road accidents • number of people affected by ambient noise levels • proportion of tranquil areas • percentage of population living in most deprived areas/reliant on key benefits/ income deprived • general resident perception surveys
Air	• limit air pollution to levels that do not damage natural systems • reduce the need to travel • reduce respiratory illnesses	• number of days of air pollution • levels of key air pollutants / by sector and per capita • achievement of Emission Limit Values • population living in Air Quality Management Area • access to key services • distances travelled per person per year by mode of transport • modal split • traffic volumes
Climatic factors	• reduce greenhouse gas emissions • reduce vulnerability to the effects of climate change e.g. flooding, disruption to travel by extreme weather, etc.	• electricity and gas use • electricity generated from renewable energy sources and CHP located in the area • energy consumption per building and per occupant • carbon dioxide (CO_2) emissions • flood risk

Key: Text appears in both the Draft Practical Guide and the Practical Guide
Text appears only in the Practical Guide

The main Scottish Guidance, the SEA Tool Kit (Scottish Executive 2006e) states the Practical Guide is its source of possible SEA Objectives (Scottish Executive 2006e,

p.6[130]). Table 4.5 presents "Examples of SEA objectives and indicators" from the Practical Guide compared with the "Possible SEA Objectives" from the SEA Tool Kit; they differ in the SEA topic "Population and human health." The possible SEA objective to "create conditions to improve human health," appears in both guidance documents, but the SEA Took Kit omits "and reduce heath inequalities." The indicators "percentage of population living in most deprived areas/reliant on key benefits/income deprived" and possible SEA objective "reduce respiratory illness" are also absent.[93]

Table 4.5 A comparison of "Examples of SEA objectives and indicators" from the Practical Guide and "Possible SEA Objectives" from the SEA Tool Kit.

SEA topics	Possible SEA objectives (to be adapted to regional/local circumstances by deletions, additions and refinements)	Possible SEA indicators: ways of quantifying the baseline, prediction, monitoring (to be adapted to regional/local circumstances by deletions, additions and refinements)
Population and human health	• create conditions to improve health and reduce health inequalities • promote healthy living • protect and enhance human health • reduce and prevent crime, reduce fear of crime • decrease noise and vibration • increase opportunities for indoor recreation and exercise • maintain and improve opportunities to access public open space • conserve and enhance the quality of the built environment • improve and promote appropriate access to the natural and historic environment	• size of population • changes in demography • years of healthy life expectancy / infant mortality rate • mortality by cause • recorded crimes per 1,000 population • fear of crime surveys • number of transport/pedestrian/cyclist road accidents • number of people affected by ambient noise levels • proportion of population within 200m of parks and open spaces • proportion of tranquil areas • percentage of population living in most deprived areas/reliant on key benefits/ income deprived • general resident perception surveys
Air	• limit air pollution to levels that do not damage natural systems • reduce the need to travel • reduce respiratory illnesses • limit air emissions to comply with air quality standards	• number of days of air pollution • levels of key air pollutants / by sector and per capita • achievement of Emission Limit Values • population living in Air Quality Management Area • access to key services • distances travelled per person per year by mode of transport (proxy indicator) • modal split (proxy indicator) • traffic volumes (proxy indicator)
Climatic Factors	• reduce greenhouse gas emissions • to reduce the cause and effects of climate change • reduce vulnerability to the effects of climate change e.g. flooding, disruption to travel by extreme weather, etc.	• electricity and gas use (proxy indicator) • electricity generated from renewable energy sources and CHP located in the area (proxy indicator) • energy consumption per building and per occupant (proxy indicator) • carbon dioxide (CO2) emissions by sector/ per capita • amount of development in the flood plain • flood risk

Key:
- Text appears in both the Practical Guide and the SEA Tool Kit
- Text only appears in the Practical Guide
- Text only appears in the SEA Tool Kit

[93] Similarly in relation to the issues of "cultural heritage" and "landscape" the statement "percentage of residents rating improvement/other in activities for teenagers, cultural facilities including for children and sport, leisure and parkland facilities" (ODPM 2005, p.66[68]) was included in the Practical Guide (but not the Draft Practical Guide). It was then omitted from the SEA Tool Kit.

Table 4.5 demonstrates that in this respect the Scottish Guidance, the SEA Tool Kit, contains comparatively less information about health and health inequalities than the main UK Guidance, the Practical Guide. As Chapter 2 indicated assessment of health inequality was linked to environmental justice. Thus the content of the UK SEA Objectives were altered to change the orientation of Scottish guidance *away* from topics linked to environmental justice. This may be due to the desire for SEA to focus on the environment rather than economic and social factors – particularly in relation to the definition of "health". The Liberal Democrat MSP, Ross Finnie, who introduced the SEA Bill, propagated this view. Section 4.1.1, noted that the SEA Tool Kit was not consulted upon, thus consultation responses, such as those from FoES, could not draw attention to topics linked to environmental justice.

The SEA Tool Kit affirms SEA should focus on "environmentally-related health issues" (Scottish Executive 2006e, p.4[139]). However, it also states a Health Impact Assessment (HIA) Screening check list "may assist in offering a structure for the assessment of impacts on health. The checklist includes: identification of the population groups potentially affected by a PPS" (Scottish Executive 2006e, p.6[141]). In addition, the Tool Kit states HIA is "not required" but "could provide a practical way of considering health issues within SEA" (Scottish Executive 2006e, p.6[141]). The FoE Report states HIA "is one method for which it is possible to identify examples of what are effectively environmental justice distributional analysis undertaken in the UK" (Walker *et al* 2005, p.3). Therefore, the information omitted from the possible SEA Objectives could be included as a result of the Responsible Authority undertaking an HIA.

The SEA Tool Kit went through no formal consultation. However, the suggestion to include HIA came from informal consultation meetings between the SEA Gateway and representatives of the NHS (National Health Service, pers. comm., 06; the SEA Tool Kit links to the Screening checklist from NHS Lothian Scottish Executive 2006e, p.6[141]). Thus, the most recent guidance for SEA in Scotland was not consulted on and, moreover, key elements related to environmental justice were absent. Health inequalities were then included because of informal consultation.

Section 4.1.1 established that, despite the Tyldesley Report being produced in advance of the Scottish SEA Regulations, the Tyldesley Report still is the main Scottish

guidance for land use and spatial planning. The FoE Report identified environmental equity as a "main theme" of the Tyldesley Report. Rather than being a "main theme" of this guidance, environmental equity is listed as one of a number of SEA Criteria (DTA 2003 p.74[75], Appendix D, D4) within an example taken from a Sustainability Appraisal.[94] It asks a question "Will the strategy objective be likely significantly to contribute towards greater environmental equity?" Table 4.6 shows this could be put into operation – via "enhancing the local path network" and "enhancing understanding of the city…" It is not clear how fulfilling the sustainability criteria would trigger explicit consideration of environmental equity.

Table 4.6 Extract from the Tyldesley Report outlining how environmental equity is featured as a category within this guidance. Environmental equity appears as one of the Environmental sustainability aims, objectives and criteria for the assessment of the South East Wedge Joint Development Study (p.84[85], Table F1)

Sustainability Aims	*Sustainability Objectives*	*Sustainability Criteria*
5. Environmental equity	5.A To enhance the local path network and accessibility to countryside of green belt. 5.B To enhance understanding of the City, its surroundings, views, geology, and history	Is the proposal likely significantly to help or to hinder a] enhancement of the local path network and accessibility to countryside of green belt b] enhancement of understanding of the City, its surroundings, local views, geology, and history?

The Scottish Executive did not directly view SEA as a tool to generate evidence of distributive environmental justice or assess distributive effects. This is evident from the lack of reference to environmental justice and the lack of topics linked to environmental justice included in official guidance. The informal influence of interest groups on what is recommended by SEA guidance is also apparent – arguably such influence was not part of an inclusive, transparent or open consultation – this contrasts with the participative aims of environmental justice, examined further within Chapter 6. However, regardless of recommendations from guidance, people carrying out SEA can *choose* to undertake distributional analysis or include distributive concepts in SEA, perhaps as a result of the policy objective environmental justice. Therefore the next section examines what methods were used in SEA practice, focusing on their role in generating evidence of environmental justice.

[94] Further examples of SEA Objectives taken from other Sustainability Appraisal's (p.91[92], 96-97[97-98]).Including the objective to maximise "standards of health for all" from a Sustainability appraisal (p.91[92], Appendix H) Full sustainability aims, from another sustainability appraisal include "Socio economic equity" (p.96-97[97-98], Table 1).The example provided by guidance focuses on amenities to a particular area (Craigmillar).

4.2 Methods used in SEA practice

Distributional analysis was the main approach to generating evidence of distributive environmental justice. The FoE Report recommended that distributional analysis within SEA practice should be examined (Walker *et al* 2005). This Section reviews what methods were used within the 16 SEA environmental reports from the PPSs identified as adopted by the SEA Gateway on 20 Nov 07. Table 4.7 lists the prediction and evaluation techniques used.

Table 4.7 indicates all 16 SEA environmental reports, examined by this thesis, follow SEA Guidance for use in Scotland by employing SEA Objectives. SEA Objectives were then used within matrices and compared against PPS objectives, PPS policies, alternatives, SEA objectives or PPS interventions. Matrices were also used to present summaries of cumulative effects (sometimes incorporating assessment of secondary or synergistic effects). This conforms with the observation from the FoE Report that appraisal tools mostly "relied upon checklist approaches" (Walker *et al* 2005, p.37).

Previous research indicates expert judgement is the most commonly used SEA technique (Thérivel 2004; Thérivel and Walsh 2006).[95] Table 4.7 lists that three of the 16 SEA environmental reports explicitly state expert judgement was used. However comparing SEA objectives with PPS Objectives or other aspects of the PPS within matrices requires expert judgement to be used. Therefore, despite this not being explicitly stated, all of the assessments made use of the subjective judgements of experts.

Table 4.7 provided limited evidence of use of prediction and evaluation techniques beyond the expert judgement employed when SEA Objectives are used. Three reports (Table 4.7, SEPA No.42, 69 and 92) stated they used public participation in the form of stakeholder engagement, discussed further in Section 6.2. As Table 4.2 notes, two reports (Table 4.7, SEPA No.29, 69) used quantitative methods that the FoE Report specified could be used for distributional analysis. One of these reports employs overlay maps produced in GIS as part of the baseline assessment (SEPA No. 29) another report presents results from a model (SEPA No.69). Section 4.3 now reviews distributional analysis in Scottish SEA, analysing the use of GIS and modelling.

[95] Is it also the main technique used in project environmental impact assessment (João 2002).

Table 4.7 The prediction and evaluation techniques described as used within the SEA Environmental Reports from the sample of 16 plans, programmes and strategies

SEPA No.	Plan, programme or strategy name	Responsible Authority	Geog. area	Desk based research	Expert judgement	Public participation	SEA objectives	Cumulative[1]	GIS	Maps	Modelling
14	Cairngorms National Park Plan	Cairngorms National Park Authority	Regional	-	-	-	✓	✓	-	✓	-
24	Aberdeenshire Local Transport Strategy	Aberdeenshire Council	Local	-	-	-	✓	-	-	✓	-
28	National Transport Strategy	Scottish Executive	National	-	-	-	✓	✓	-	-	-
29	Scottish Forestry Strategy	Forestry Commission Scotland	National	✓	-	-	✓	✓	✓	✓	-
36	Caltongate Masterplan	City of Edinburgh Council	Small area	-	✓	-	✓	-	-	✓	-
42	Highlands and Islands ERDF Operational Programme 2007-2013	Scottish Executive	Regional	✓	-	✓	✓	✓	-	✓	-
49	Lowlands and Uplands ERDF Operational Programme 2007-2013	Scottish Executive	Regional	✓	-	-	✓	✓	-	-	-
69	Glasgow Local Transport Strategy	Glasgow City Council	Local	-	✓	✓	✓	-	-	✓	✓
76	Midlothian Local Transport Strategy	Midlothian Council	Local	-	✓	-	✓	-	-	✓	-
90	Scottish Enterprise Operating Plan	Scottish Enterprise	National	-	-	-	✓	-	-	✓	-
92	Operational Plan 2007-2010	Highlands and Islands Enterprise	Regional	✓	-	✓	✓	✓	-	✓	-
121	Community Plan for Orkney	Orkney Islands Council	Local	-	-	-	✓	-	-	-	-
136	Orkney Local Transport Strategy	Orkney Islands Council	Local	-	-	-	✓	✓	-	-	-
137	Pitlochry Conservation Area Appraisal	Perth & Kinross Council	Small area	-	-	-	✓	✓	-	✓	-
138	Corporate Plan 2007-2010	VisitScotland	National	-	-	-	✓	-	-		-
143	Coupar Angus Conservation Area Appraisal	Perth & Kinross Council	Small area	-	-	-	✓	✓	-	✓	-

Key
✓ Technique was used
- Technique was not used
[1] Cumulative effects were assessed (within other techniques, in particular, SEA objectives).

4.3 Distributional analysis in Scottish SEA

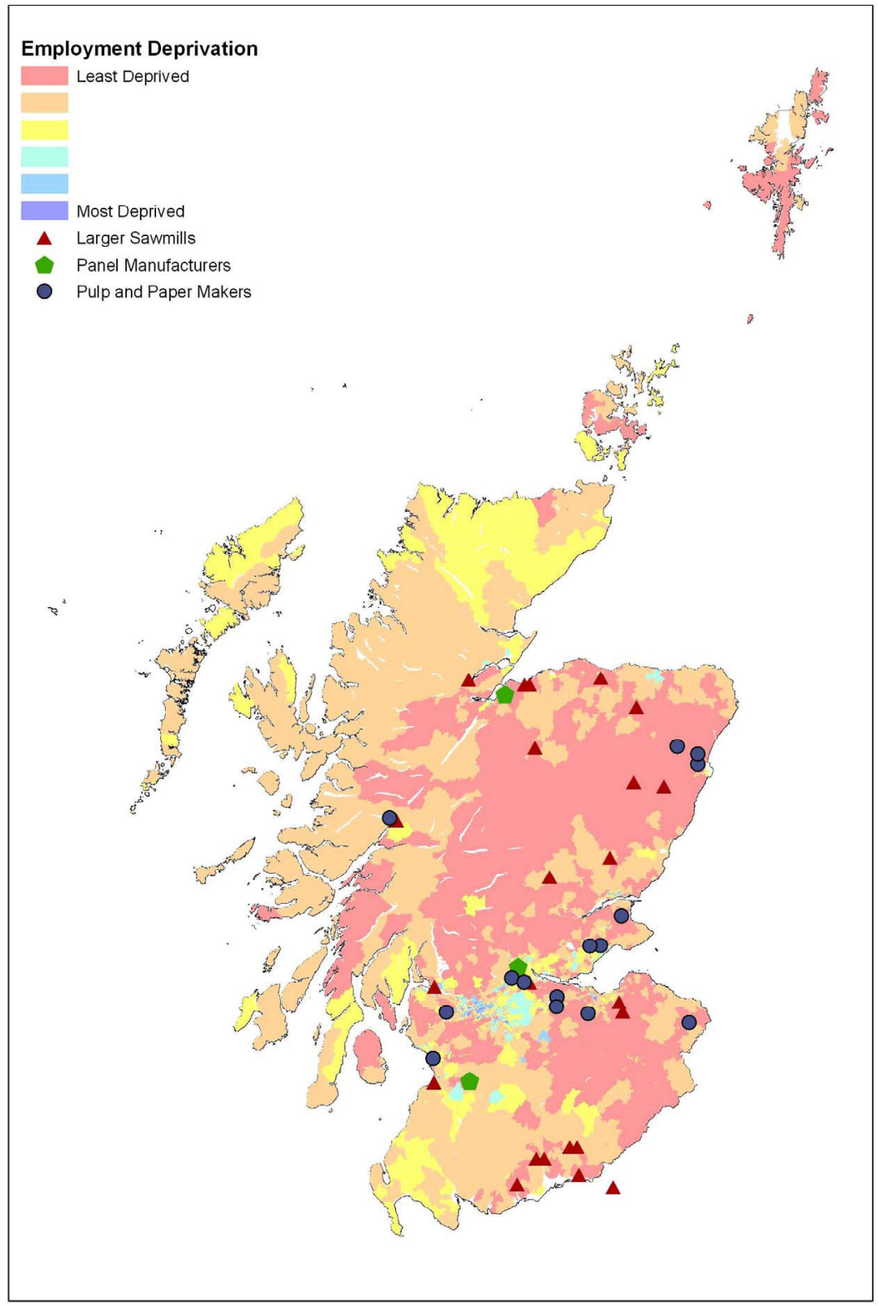
This section presents an overview of distributional analysis in Scottish SEA so that the implication of routinely using this method to generate evidence of environmental justice within SEA can be evaluated. Section 4.2 described that two of 16 SEA environmental reports in the sample had used distributional analysis, in the form of GIS and modelling. The use of GIS within the environmental report from the national Scottish Forestry Strategy (SEPA No.29), prepared by the Forestry Commission Scotland, part of the Forestry Directorate of the Scottish Executive (now Scottish Government) is reviewed. This is followed by the integration of the output from a quantitative model into the SEA environmental report for Glasgow City Council's Local Transport Strategy (SEPA No.69).

The Scottish Forestry Strategy (SEPA No.29) was the only environmental report, within the sample of 16, to provide evidence of use of GIS to assess potential distributions of impacts. Figure 4.4 presents the Overlay Maps used by the strategy, the scoping report stated that these maps indicate the "role which forestry has to play as part of the environmental justice agenda" (Land Use Consultants 2005, pp.[27, 28]).[96] The affected population groups were identified by use of the Scottish Index of Multiple Deprivation (SIMD), described in Section 1.3. The Employment Deprivation Domain from the SIMD is overlaid with the location of "timber processing plants" and the "forestry related small and medium sized enterprises (SMEs)" (Land Use Consultants 2006b, pp.[36,37]). Figure 4.4 reproduces these GIS maps.

The main environmental report refers to the maps which are presented in a separate appendix. The activities rendered in the maps are "employment activities" (Land Use Consultants 2006a, p.22[28]). The employment domain of the SIMD 04, used to represent employment deprivation, it is a "direct measure of exclusion from the world of work" (Scottish Executive 2004b, p.8[9]). Therefore, in this case, rather than reviewing *environmental* inequalities, social factors are being assessed against those that would be more readily identified as either social or economic (Box 3.2). However, the report claimed the employment domain may influence location for "employment, recreation, health and education projects" (Land Use Consultants 2006, p.[20]) demonstrating the overlap between employment and health.

[96] The Scoping report also claimed the maps show where "forestry initiatives could provide potential benefits for the population" (Land Use Consultants 2005, (p.26, 27 [27, 28]).

Figure B11 Timber processing plants and employment deprivation



Crown Copyright All Rights Reserved 2006

Figure B12 Forestry Related SMEs and Index of Employment Deprivation

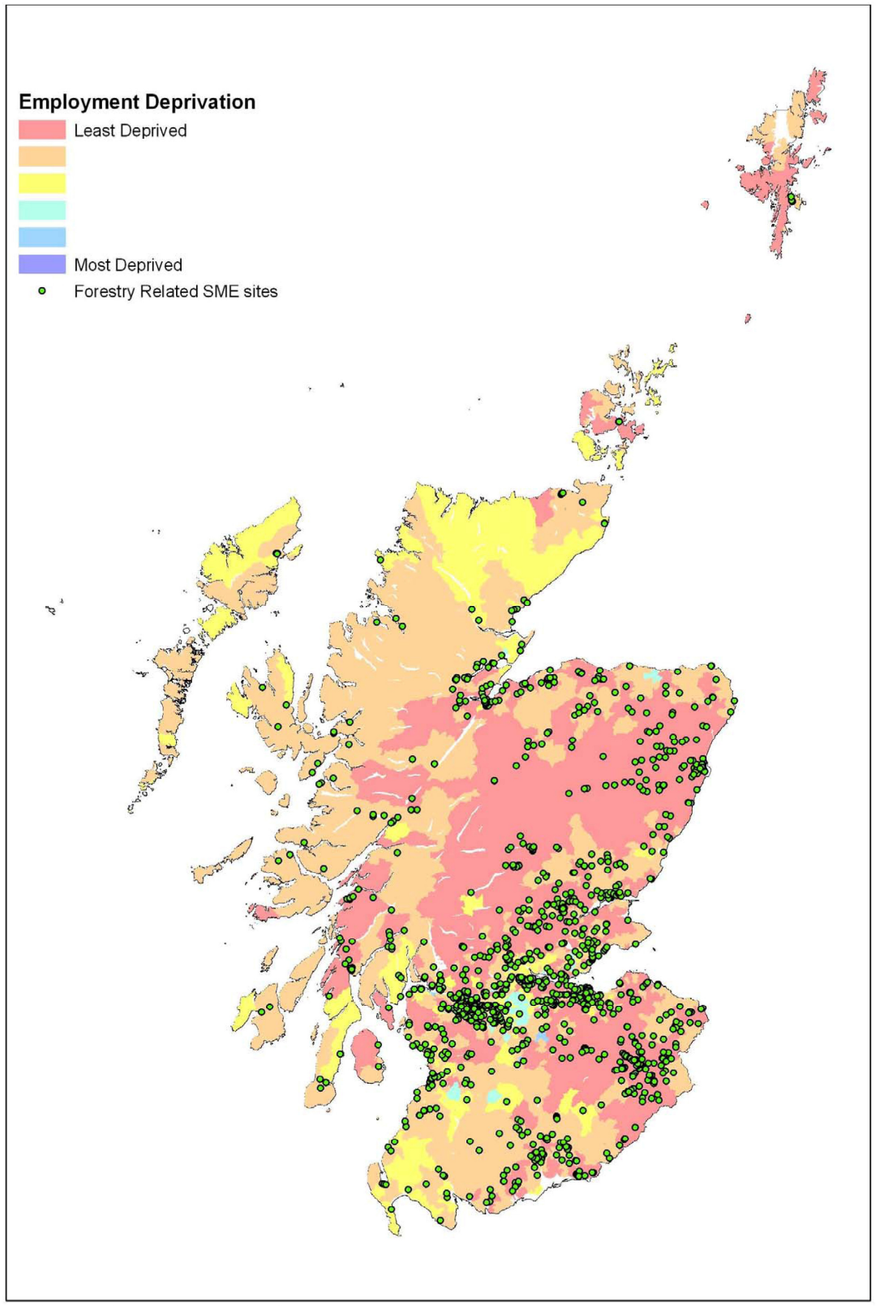


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Figure 4.4 The maps from the Scottish Forestry Strategy Appendix (Report 29) showing how distributional analysis using Geographic Information Systems (GIS) has been undertaken within Scottish SEA (Land Use Consultants 2006b, p.[36, 37])

In relation to this potential overlap, a response to a Scottish Executive planning consultation recognised that forestry related industry, such as a chipboard factory, could be defined as a "bad neighbour development" (Scottish Executive 2005f, p.24). The Scottish Forestry Strategy environmental report recognised "some uncertainties regarding the impact of forestry production and processing on quality of life as a result of potential effects on environment and amenity" (Land Use Consultants 2006a, p.53[59]). Although overall "No significant adverse effects" were anticipated (Ibid p.5[11]; also p.50[56]).[97]

However, whether or not an effect is perceived as "significant" by an assessor rests on the geographic scale of the outcome and the scale at which the effect is experienced by people (João 2007; Karstens 2007). An effect not significant at the national geographic scale may be significant to residents local to a particular development (e.g Kurtz 2002; 2003). Furthermore, Timber Processing Plants and forestry related SMEs, may or may not provide employment opportunities that alleviate general inequalities in employment provision.

One other environmental report, within the sample of 16, presented distributional evidence, this time from a quantitative model. Glasgow's Local Transport Strategy used The Strathclyde Integrated Transport/Land-Use Model (SITLUM) to determine the preferred package of options to take forward (SEPA No.69 p.25[28]). This SITLUM model was integrated into another appraisal undertaken of this strategy because of STAG (Scottish Executive 2003b). The SEA environmental report only makes reference to the output from the model:

> "Option 3 (public transport priority strategy) and Option 4 (public transport with targeted road investment) have very similar positive and negative environmental impacts. However, the economic benefits generated by the SITLUM model for Option 4 are greater than for Option 3. Glasgow City Council have therefore chosen to take this forward as the preferred option" (Faber Maunsell/AECOM 2006, p.25[28]).

The FoE Report identified that the "guidance material that does most directly refer to environmental justice concerns is for Transport Analysis" (Walker *et al* 2005, p.19). The modelling used on this project, and modelling on transport projects generally as a result of STAG, and similar UK Guidance (Department for Transport 2004), is routinely done in advance of the SEA. Such guidance does not require a separate consultation on the options or alternatives presented. Therefore the options, the "reasonable alternatives", required to be considered by the SEA Directive (Article 5,1.), of this and other transport plans, programmes

[97] "although a number of minor negative effects were identified in the initial assessment" (Report 29 p.5[11]; also p.50[56]).

or strategies are also formulated in advance of the SEA (also discussed at a STAG meeting Table 3.1, 30 Nov 2006).

The FoE Report identified 17 appraisal tools that could be used for distributional analysis, recommending distributional analysis could potentially be integrated into all of them (Walker *et al* 2005). Several appraisals may simultaneously be undertaken of the same PPS e.g. STAG, equality impact assessment and SEA (SEPA No.119). How such assessments interact and eventually inform decision-making is unclear.

The review of the use of GIS and modelling used in SEA reflects on the theoretical links between environmental justice and SEA listed in Table 2.4. It was claimed a commitment to environmental justice could provide a better value frame for SEA than sustainable development. If evidence of environmental justice is gathered via distributional analysis, whether the information GIS presents is deemed positive or negative, is open to interpretation. How distributional analyses interact with other planning processes is of primary importance.

However, such research evidence can be used to focus discussion. The distributive research into environmental quality and social deprivation commissioned by the Environment Agency (Table 1.1) was discussed by "many different groups of stakeholders… [who made] sense of this evidence in different ways" (Chalmers and Colvin 2005, p.347). Research evidence can also be used as part of the adversarial process – for example, the outcomes of studies within project EIA are often debated within the setting of public inquiries (Holder 2004) – discussed in greater detail in Section 6.3. In the cases where GIS and modelling were used, the assessments also employed SEA Objectives. Debate about the meaning of distributive concepts included *within* SEA, in particular within SEA Objectives, is now examined.

4.4 Including distributive concepts in assessments

Making environmental justice a high-level policy objective could mean that environmental justice, or topics linked to it, could be included in SEA assessments. This Section reviews the outcomes of including distributive concepts within the SEA Objectives of the 16 SEA environmental reports. There "is no requirement…to use SEA objectives as a means of assessing environmental effects or identifying indicators" (Scottish Executive 2006e, p.4[128]), but it is the technique explained in detail in SEA guidance, and used by all 16 SEA environmental reports from the sample of 16 PPSs as Table 4.7 listed.

Figure 4.5 lists the variety of economic, social, health and distributive content as defined by Boxes 3.2. and 3.3 (also available in the removable Appendix L) included in the

SEA objectives from the 16 SEA environmental reports. As Chapter 3 noted the Categories S1 "population", S4 "landscape" and H "health", are issues identified within the SEA Directive and thus appear in many of the reports. Thérivel states "which themes/objectives/indicators are used in SEA will affect what baseline data are collected, what predictions are made and what monitoring systems are set up" (Thérivel 2004, p.76).

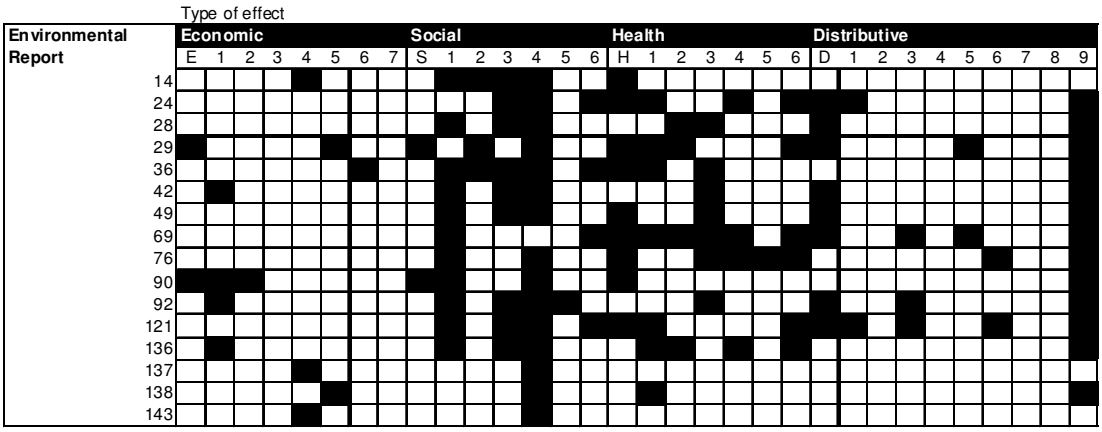

Figure 4.5 Economic, social, health and distributive content of the SEA Objectives in the sample of 16 environmental reports. The effects have been categorised using Boxes 3.2 and 3.3 (details of which are also available in Appendix L)

The Scottish Executive suggested SEA should focus on the environment. Jackson and Illsley (2007) viewed this focus as contributing to environmental justice. Figure 4.5 showed that SEA environmental reports contain economic, social health and distributive information. The need to distinguish between social, economic and environmental effects was recognised in the reports. Report No.14 stated: "…it has proved difficult to separate the environmental effects on [the topics health and population] from the socio-economic effects that might be considered in a broader and separate sustainability appraisal" (CNPA 2006, p.15). Report SEPA No.69 classified SEA Objectives as either "environmental" or "social" acknowledging their difference.

To focus the discussion this thesis now reviews the distributive information included in the SEA environmental reports. SEA must predict future environmental impacts. However, it did include categories that relate to distributive impacts, both between generations and across generations, to intra and inter generational equity as defined by Section 1.2. The distributive injustice of climate change is recognised within mainstream media discourse with the burden from climate emissions created in the 'developed' world being borne by the 'developing world'. The SEA Directive includes "Climatic factors" but this need not be interpreted as "Climate Change". Figure 4.5 shows that the objectives of all

reports, bar SEPA No.14, 137 and 143, refer either to "climate change" or "greenhouse gas emissions" (Figure 4.5 D9).

This Section now focuses on how the SEA Objectives represented "intra-generational equity" among the existing population. Figure 4.5 illustrated eight, half of the sample of 16, contain "intra-generational" distributive information. Six of these contain specific information related to Deprivation or income (D1), Age (D3), Disability (D5) or Vulnerable groups (D6). Figure 4.5 also shows eight of the 16 SEA environmental reports included general distributive concepts, 'D'. Table 4.8 lists the SEA objectives that contain these distributive concepts, showing the number of the PPS (provided by SEPA) and the geographic scale of the PPS.

Table 4.8 shows that SEA objectives make reference to environmental justice and a number of other policy objectives with a distributive orientation. The environmental report from SEPA No.29 makes explicit reference to "environmental justice," but also the distributive category "health inequalities" contained in UK Sustainable Development Strategy (HM Government 2005). There are reference to "fragile communities", part of Scottish sustainability discourse since the 1990's (e.g.TSO 1999) and to debated classifications such as "rural areas" (Scott *et al* 2007). Three of the reports include the category "Social exclusion" (SEPA No.24, 69, 121). Potential flexibility in the interpretation of the SEA Objectives is discussed in relation to social exclusion. As Section 1.2 noted this discourse was a forerunner to environmental justice in UK policy.

The term social exclusion is contested. It has been viewed as "just another word for poverty" but also has been used to refer to people becoming "excluded from skills and knowledge and thus [becoming] vulnerable to unemployment and poverty" (Baldock *et al* 2007, p.15). Each of the three direct references made to social inclusion aim for it to be "reduced"[98] but none provide a definition. Therefore the information used to render what it and other distributive concepts mean reflect how they will be understood.

[98] The aim of the SEA Objective rests on how it is phrased – this aim can differ whether the purpose is to "avoid", "minimise" or "reduce" (Hurley 2008).

Table 4.8 SEA Objectives that contain distributive concepts from the SEA environmental reports from the sample of 16 plans, programmes and strategies. The table shows the distributive concept in context of the SEA Objective and then extracted on the right hand column.

SEPA No.	*Geographic Area*	*SEA Objective or Key Criteria for assessment*	*Distributive concept*
24	Local	To improve accessibility and reduce social exclusion	social exclusion
28	National	To improve the living environment for all communities, particularly through improved access to services and opportunities	all communities
29	National	To increase the opportunities for access to [H1] and enjoyment of [H6] forests and woodlands by all sectors of society [D], including those who live in towns and cities, and in lowland areas	all sectors of society
29	National	To maximise the role of woodland and forestry in contributing to quality of life [D] Will the SFS(R) policy promote the role of woodlands and trees as part of the greenspace management and inclusion agenda? (Report 29 – SEA Criteria)	inclusion agenda
29	National	To maximise the role of woodland and forestry in contributing to health [H] and wellbeing [H6] Will the SFS(R) policy promote forestry management which helps to reduce health inequalities [D] and encourage increased activity levels [H2]? Will the SFS(R) policy promote forestry and woodland contributes towards achieving social justice [S], environmental justice [D] and community wellbeing [H6]?	health inequalities, environmental justice
29	National	To maximise the contribution of the forestry sector to the viability of rural communities [D] Will the SFS(R) policy promote measures to reduce the impacts of timber transport on rural communities, including the development of alternatives such as rail and water based transport?	rural communities
42, 92	Regional	Safeguard and enhance communities particularly in fragile areas Have significant implications for communities in particular in fragile areas [D] Ensure projects supported do not negatively impact on communities Provide community benefit e.g. new infrastructure, employment opportunities [E1], locally accessible facilities [S3]	communities in fragile areas
49	Regional	Discourage the proliferation of private sewage treatment particularly in rural areas [D].	rural areas
69	Local	Reduce transport related social exclusion by increasing accessibility Physical accessibility of public transport to elderly [D3] and disabled people [D5] Accessibility of public transport in outlying areas [S3, D] Affordability of public transport	social exclusion, elderly, disabled people, outlying areas
121	Local	Improve accessibility to the natural and historic environment [H1] and reduce social exclusion [D] Size of population [S1] Changes in demography Accessibility to facilities, schools, health, employment, recreation etc.[S3]	social exclusion
121	Local	Create conditions to improve human health [H] Life expectancy [D3] Health deprivation statistics [D1] Crime and fear of crime [S6, H6]	Life Expectancy, Health deprivation

The economic, social, health and distributive categories are identified by Boxes 3.2 and 3.3 are listed in this table and are available in removable Appendix L.

KEY: Distributive concept

SEA Objectives in two of the environmental reports provide an indication of how social exclusion has been interpreted (SEPA No.24 and 69). Glasgow's Local Transport Strategy has an SEA objective to "Reduce transport related social exclusion by increasing accessibility" achieved through ensuring "Physical accessibility of public transport to elderly and disabled people" and "Accessibility of public transport in outlying areas" (Faber Maunsell/AECOM 2006, p.22[25]). The Strategy also identifies health deprivation (measured using the SIMD) is a related concern. Accessibility and inclusion are associated, however, it is unclear if the broad information included in the assessment will enable such impacts to be assessed.

SEPA No.121 gave no further information to qualify what is "social inclusion" and SEPA No 29 did not indicate how the "inclusion agenda" was interpreted. The outcome of formulating SEA Objectives that contain contested terms, rests on how they are used within the assessments. As Section 4.1.3 described, SEA guidance recommended that 8–25 SEA Objectives could be used (with Thérivel (2004) suggesting up to 30). These objectives could then be employed in matrices, such as Figures 4.1 and 4.2, to assess the effects of PPS objectives, PPS policies, PPS alternatives, SEA objectives (for compatibility) or PPS interventions. Therefore, multiplying the total number of SEA Objectives by the total number of topics they were assessed against in an environmental report would produce the total number of judgement discussed in any given SEA.

Table 4.9 lists the number of judgments made in the preparation of each of the SEA environmental reports from the sample of 16 PPSs. In this sample between three and 23 SEA Objectives were used to assess the impact of the PPS objectives, PPS policies, PPS alternatives, PPS interventions, PPS cumulative effects, and the SEA monitoring. Some reports include SEA Objectives but do not employ them within matrices. Thus, the number of judgements demonstrated to have been made in the sample of reports range from zero to 3,473.

The number of judgements in which SEA Objectives require to be understood highlights the importance of them having a clear meaning. In all cases, the social or demographic groups of concern (who is affected) and the comparison population (what injustice is evident in comparison to) was not directly indicated. The external appendix to Report 29 contains fifteen matrices with many extending over a number of pages. SEA objectives from Report 29 include the policy objectives "environmental justice" and "social

exclusion" and the term "health inequalities." Thus in this report the meaning of these concepts was each discussed in relation to 156 judgements.[99]

Table 4.9 The number of judgments made in the preparation of each of the SEA environmental reports from the sample of 16 plans, programmes and strategies.

SEPA No.	*SEA objectives*	*Topics assessed against SEA objectives within matrices*							*Total judgements* [1]
		PPS objectives	*PPS policies*	*Alternatives*	*Interventions*	*Cumulative*	*Monitoring*	*Total*	
14	14	109	-	-	-	Inc	-	109	1526
24	14	5	118	Inc	-	-	-	123	1722
28	12	5	32	-	-	-	-	37	444
29	23	5	151	-	-	Inc	-	156	3473
36	12	5	-	-	8	-	-	13	156
42	9	9	-	Inc	-	9	9	27	243
49	13	7	-	*	-	-	-	7	91
69	12	5	107	-	-	-	-	112	1344
76	9	-	-	Inc	121	-	-	121	1089
90	11	12	-	-	-	-	-	12	132
92	10	19	-	-	22	41	-	82	820
121	8	41	-	-	-	-	-	41	328
136	9	6	-	3	39	11	-	59	531
137	3	-	-	-	-	-	-	0	0
138	7	9	-	-	-	-	-	9	63
143	3	-	-	-	-	-	-	0	0

[1]Total judgements are calculated by multiplying the number of SEA Objectives by the total number of topics assessed against SEA objectives.

KEY

Indicates that the SEA Objectives used within the environmental report included the contested term social inclusion, inclusion agenda, health inequalities, environmental justice or health deprivation (potentially more that one may have been featured – see Table 4.8)

Inc Included within other topics already tabulated

* Alternatives were assessed in the appendix to this report (SEPA No. p.61-62) but not against the SEA objectives

Including concepts such as sustainable development and environmental justice in decision making can promote debate. However, even this small sample indicates the wide variety of contested policy objectives to which the public sector must be seen to contribute. When policy objectives such as sustainable development, social inclusion or fragile communities are included in environmental reports, arguably, it is not feasible to properly discuss their meaning or potential effect. When people read the reports, unless the meaning of these terms is qualified with additional information, it is unclear how they should be interpreted.

Unlike quantitative techniques such as multi-criteria decision analysis (Belton and Stewart 2002; Belton and Wright 2006) the SEA objectives are not weighted – and thus they are presented as if the SEA objectives have equal value. This led Hurley to ask "would effect on flood risk be more of a showstopper than on landscape character?"(Hurley 2008). Following Multi Criteria Decision Analysis (MCDA) weights can be applied. However, this can create an artificial sense of accuracy (quantification and artificial accuracy is discussed

[99] Appendix J indicates that some reports contain other decision matrices that do not employ SEA Objectives – in particular a further 1170 judgements are required as a result of a compatibility assessment in SEPA No. 29.

by Thérivel 2004). Such problems are amplified in relation to the assessment of cumulative impacts – seen to be fundamental to the assessment of environmental justice. There can be a "tendency to 'add up' effects for comparative purposes" (Hurley 2008).

4.5 Conclusions

Evidence is required to determine whether or not an action is environmentally unjust. Despite the high profile commitment to environmental justice and the connection made to SEA, SEA Guidance does not indicate how SEA could account for environmental justice or injustice. Information was included in guidance that could be linked to environmental justice. However, the guidance for use in Scotland contained comparatively less information related to environmental justice than the UK guidance on which it was based. This may have resulted from the recommendation that the SEA process in Scotland should focus more directly on the environment rather than social and economic factors.

Distributional analysis is the dominant method of assessing environmental justice impacts. The FoE Report recommended that environmental justice could be taken into account in 17 appraisal tools linked to decision-making. One of these tools, SEA, was viewed as an appropriate tool to routinely generate evidence of environmental injustice and connect this to public sector decision-making. SEA guidance for use in Scotland does not prescribe methods but does indicate modelling and GIS – techniques capable of distributional analysis – could be used.

However, distributional analysis is not routinely undertaken within SEA. Why SEA Objectives are recommended for use can also form a critique of why this is the case. Distributional analysis requires a lot of detailed data. At the level of policies, programmes and plans collecting a great deal of baseline data would lead to overly complicated assessment – consequently SEA Objectives can represent 'clusters of data' embodying a complex reality so that the significant effects of the PPS can be assessed.

Two SEA environmental reports, from the sample of 16, used techniques capable of distributional analysis. When GIS was employed the outcomes of the analysis could be interpreted differently, depending on the geographic scale of the interest of those reviewing reports – national level decisions may have to disregard effects relevant to people at a local level. The modelling was within a transport plan. In the transport sector such modelling is part of transport analysis – done in advance of SEA that does not require public consultation. Thus key decisions were made in advance of SEA, supplying knowledge to the consultation and wider decision-making process. This leads to reflection on the efficacy of integrating distributional analysis into a large number of assessment techniques.

The outcomes from distributional analysis were mediated by other assessment techniques, in particular SEA Objectives. All environmental reports analysed, following guidance, used SEA Objectives to assess environmental effects. The Scottish Executive linked SEA to their environmental justice policy. However, the content of SEA Objectives in Scottish SEA Guidance was less orientated towards assessing topics linked to environmental justice than the UK Guidance on which it was based. This demonstrates that, in practice, SEA was not directly viewed as a tool to contribute to environmental justice policy by the Scottish Executive.

This highlights a contradiction in debate about environmental justice. Connelly and Richardson (Connelly and Richardson 2005), the FoE Report (Fairburn *et al* 2005) and Jackson and Illsley (Jackson and Illsley 2007) argued that plan, programme or policy outcomes such as environmental reports could show impacts on topics linked to environmental justice. This would enable participants to be aware of environmental injustices and represent the interest of poorer and less powerful groups. However, this assumes that there is an incontestable objective means of measuring environmental justice or environmental injustice at the level of policies, plans and programmes. US work critical of environmental justice in the US is also underpinned by this assumption. The methodology of particular studies is criticised but the reality that there will never be a perfect methodology is often not stated (Bowen 2001; Bowen 2002; Bowen and Wells 2002).

Even where distributional analysis is not undertaken, including distributive concepts in SEA, in particular within SEA Objectives, is still methodologically problematic. This was illustrated by the references to contested concepts such as “environmental justice”, “social inclusion” and “health inequalities” in Scottish SEA Objectives. Because these terms were not defined when used within the SEA objectives of the SEA reports, it was unclear what such contested terms meant for both the people producing the SEA environmental report and the people reading them. However, environmental justice may have been used and defined in other documents associated with the SEA process. Chapter 5 now examines in greater detail the interpretation of environmental justice within SEA in Scotland.

Chapter 5
Interpretation

Environmental justice was promoted as a policy objective, linked to sustainable development, in the United Kingdom (UK). Environmental justice is also being promoted more broadly within the European Union. It was one of the desired outcomes of the devolved Scottish Executive's programme for government 2003-2007, the Partnership Agreement. Strategic Environmental Assessment (SEA) must be applied to a wide range of public sector activities and, within Scotland, the Scottish Executive identified SEA as a principle tool to deliver environmental justice. This Chapter evaluates how Scotland's public sector interpreted the Scottish Executive's commitment to environmental justice within SEA.

Section 5.1 first outlines where Scottish SEA Documents make reference to 'environmental justice' and 'environmental injustice' showing that these references were often connected to Policy Documents, such as the Partnership Agreement, together with research evidence. Section 5.2 evaluates how Policy Documents drove consideration of environmental justice and Section 5.3 how Scottish research evidence relating to environmental justice has been used. Section 5.4 concludes this Chapter by reviewing constraints and freedoms to the scope of interpretation of environmental justice as a policy objective in this context.

5.1 Reference to 'environmental justice' and 'environmental injustice' within SEA

This Chapter investigates how the concept of environmental justice was interpreted by Scotland's public sector, in particular via SEA. What inspired the concept of environmental justice to be used influenced how it was interpreted. The key driver for environmental justice as a policy objective in Scotland was the Scottish Executive's programme for government 2003-2007, the Partnership Agreement (Scottish Executive 2003a). As Chapter 1 identified, the Partnership Agreement commitment to environmental justice, together with environmental justice's subsequent integration into Scottish sustainable development

strategy (SEEG 2002), meant environmental justice could directly inform planning authorities' decisions on planning applications (Poustie 2004).

Out with planning, such high level commitments also intended to broadly influence all public sector actions. Table 1.3 identified the Partnership Agreement Commitment was then integrated into many public sector documents, referred to by this thesis as Policy Documents, and motivated the commissioning of official research evidence, listed in Table 1.4. These and similar policy outputs themselves contain interpretations of environmental justice and assist with defining the extent of the remit of environmental justice. The events surrounding the development of this policy, described in Section 1.3, including Friends of the Earth Scotland's (FoES) work promoting environmental justice, could also influence how the concept was used.

An SEA must be undertaken for it to be a vehicle for environmental justice. The Scottish SEA Act means that *virtually all* of Scotland's 399 public bodies would be expected to engage with SEA. This would have made SEA a key driver in taking account of the policy objective. Table 5.1 shows the expected numbers of SEA in one year, split by the Responsible Authority – either Scottish Executive, Local Authorities or Other public bodies. Table 5.1 compares these figures with an extract of the data supplied for this thesis by SEPA which shows SEA undertaken in the time period 1 Nov 06 – 31 Oct 07.[100]

Table 5.1 A comparison of the expected numbers of Scottish plans, programmes or strategies to go through SEA in one year and the total figures (1 Nov 06-31 Oct 07)

	Expected number of plans, programmes or strategies to go through SEA in one year[1]		Actual SEA in one year
	Average life cycle of PPS 5 years	Average life cycle of PPS 3 years	Total started (number completed)[2]
Scottish Executive	10	14	7 (0)
Local Authorities	94	156	102 (3)
Other	100	186	12 (1)
Total	204	356	121 (4)

[1] The number of PPSs were identified from a questionnaire survey sent out to a total of 378 public authorities – further information about how these were selected can be found in Babtie (2004).
[2] The research did not indicate whether the expected SEA related to those considered to be completed in the time period. Therefore the actual SEA in one year includes the number started in that period and how many were completed – as indicated by the availability of a Post Adoption Statement from the SEA Gateway.

Table 5.1 shows that the actual volume of Scottish public sector plans, programmes or strategies (PPSs) to go through SEA in one year is far fewer than what was expected during the development of the SEA Act. Partial implementation of the SEA Act may or may not be important to the consideration of the environment or environmental accountability as some

[100] Annual reports cataloguing the volume of SEA are required to be prepared as a result of the SEA Act. Neither the first or second of these reports split the figures by the type of responsible authority (Scottish Executive 2007a; Scottish Government 2008b) and therefore were not used for this comparison.

form of environmental assessment may already have been undertaken of a particular PPSs.[101] In contrast, this is important to this thesis because SEA must be carried out for it to be a tool to directly include environmental justice in environmental decision-making.

To find out how the policy commitment to environmental justice was interpreted, documents produced from the SEA process, 21 Jul 04 – 20 Nov 07, were searched for reference to the term 'environmental justice' and 'environmental injustice'. Table 5.2 illustrates that in the time period 21 Jul 04 – 20 Nov 07 the 40 PPSs pre-screened and the 255 PPSs that entered the SEA process generated 2,377 documents. Section 3.2 described the origins of these documents. References to 'environmental justice' or 'environmental injustice' were made in 58 of the 2,377 documents that relate to 41 of the 255 PPSs (Appendices D-F contain further information about these document). Thus more than one document referred to the same PPS in 12 cases. Some documents duplicated aspects of other documents – although only in one case was this exact (No.195).

Table 5.2 References to environmental justice or environmental injustice in the plans, programmes and strategies entering the SEA process and the SEA Documents they generated (21 Jul 04-20 Nov 07)

	Plans, programmes or strategies entering the SEA process (including those pre-screened)	*SEA Documents*
Total number	295	2,377
Number which make reference to environmental justice or environmental injustice or both	41	58[1]
Percentage (%)	14%	-[2]

[1] References can be made more than once in each document.
[2] A great deal of supporting documents were included with those specifically linked to the SEA process such as screening, scoping or environmental reports. Therefore including a percentage in this section would have given a misleading indication of the take up of the term.

Therefore SEA Documents from just over 14% of PPSs, that progressed through some part of the SEA process, made explicit reference to environmental justice or environmental injustice. This is a small percentage given the high profile nature of the commitment to environmental justice – in particular because this was one of the desired outcomes of the Scottish Executive's programme for government 2003-2007, the Partnership Agreement (Scottish Executive 2003a).

Table 5.3 categorises the 58 documents that make reference to environmental justice or environmental injustice showing where these references link to 'Policy Documents' listed in Table 1.3 or 'Research' including that listed in Table 1.5. 'Research' also includes

[101] For example 62 out of 89 (69.7%) of respondents to a 1998 postal questionnaire by Wright (2006) indicated "they used procedures other than SEA to ensure that environmental and / or sustainability issues were taken into account at the strategic level without using SEA" (Wright 2006, p.132). Although this may be subject to response bias; people filling out the questionnaire may have designated this as a 'desirable' response.

references to the Scottish Index of Multiple Deprivation (SIMD) and other references to other research. Where the reference links neither to Policy Documents nor Research, Table 5.3 identifies it as 'Independent'. Table 5.2 also shows that some references may appear Independent but 'Link to Policy Documents' in other parts of the document or other documents from the PPS.

Table 5.3 Categories of SEA Documents containing references to environmental justice or environmental injustice. The table indicates whether the reference was Independent, Linked to a Policy Document, motivated by a Policy Document, or was motivated by Research

SEA Stage[1]	*SEA Document (total in category in brackets)*	*Motivation for reference to environmental justice or environmental injustice in SEA Document*[2]			
		Indepen-dent	*Linked to Policy Document*	*Policy Document*	*Research*
Screening	Report (3)	1	2	-	-
Scoping	Report (15)	3	-	12	6
	Report – Internal Appendix (9)	-	1	9	-
	Report – External Appendix (2)	-	-	2	-
Environmental report	Report (9)	1	4	4	2
	Report – Internal Appendix (2)	-	-	2	-
	Report – External Appendix (5)	-	1	5	-
Consultation Response	Screening (1)	1	-	-	-
	Scoping (3)	-	2	-	1
	Environmental report (2)	-	-	2	-
-	Other SEA Documents (7)[3]	1	1	6	-
-	Total (57)	7	11	42	9

[1] The types of SEA Document relate to the screening, scoping and environmental report stages of SEA together with consultation responses on these stages. There were no references to environmental justice in post adoption statements or SEA Documents relating to the 40 PPSs pre-screened (Appendix C).
[2] References to environmental justice or environmental injustice can appear in relation to different topics in one document thus the total number of references is greater than the total number of documents. However, if references appear a number of times in one section they are listed only once.
[3] Other documents include draft PPSs, PPSs, background papers about particular PPSs or the SEAs

Table 5.3 indicates Independent references to environmental justice or environmental injustice were made in relation to the determination of significance in one screening report and in one screening response. The possibility a PPS has "significant" environmental effects triggers an SEA, therefore references to environmental justice in these documents indicate whether it was considered material to why the SEA was or was not undertaken. At this stage environmental justice can influence the structure of any further assessment. Such references may illustrate how a "significant effect" on environmental justice was interpreted.

SEPAs single screening response and a screening report by SNH for one of their own PPSs lists 'environmental injustice', but, neither document explains how it can be implemented nor defines a 'significant' effect on this topic. In contrast, the *South Lanarkshire Council Sustainable Development Strategy* Screening Report indicates significant effects on the environment, in relation to the likely risks to human health or the environment (for example, due to accidents), linking environmental justice with

improvements to environmental quality, "physical activity and better dietary habits" (No. 98/1, p.8).[102] This statement does not specify the groups of people targeted as a result of such improvements. Therefore, in this case an SEA Document made reference to environmental justice, but how this reference related to concrete action was not evident.

Arguably, all public bodies were under some duty to take account of environmental justice as Section 1.3 discussed. Section 1.3 indicated SEPA had a duty to account for environmental justice and SNH promoted environmental justice through two publications *Environmental Justice and the Natural Heritage* and *Enjoying the Outdoors – An SNH Policy Framework Draft*. Each of the three Consultation Authorities had to comment on 146 Scottish PPSs at the screening stage of SEA.[103] One Consultation Authority comment, by SEPA, suggests environmental justice could be taken into account. Thus the Consultation Authorities did not routinely promote environmental justice through SEA, reflecting that they were given no specific remit to do so (Historic Scotland 2005). Another reference 'Linked to Policy Document' (Table 5.3), in a section of the *Policy Statement – Rangers in Scotland* called "the changing context", shows that this policy agenda created challenges:

> Within local authorities, Rangers are being asked to contribute to a wide range of other policy agendas including health; social inclusion; environmental justice; volunteering; sustainable transport; rural development etc. This trend is raising the profile of Rangers but it is also setting new challenges and eroding their distinctive role" (No.194, p.5).

This quote illustrates that Responsible Authorities recognised difficulty in contributing to environmental justice alongside other related, but potentially competing, policy agendas – a topic previously discussed in Section 4.4. The interpretations of environmental justice in SEA Documents are now examined in relation to what motivated their use. Section 5.2 reviews the references related to Policy Documents (including those that are Linked to the Policy Document) and Section 5.3 those linked to Research Evidence. Each section examines how the reference links to the SEA Document, assessment of environmental impacts and the PPS.

5.2 The influence of Policy Documents

This Section examines the influence of Policy Documents on the interpretation of environmental justice as a policy objective. Policy Documents themselves contain an

[102] It states "the encouragement of physical activity and better dietary habits are intended to lead to improvements in health. This will be an important potential outcome for the strategy in terms of environmental justice" (No. 98/1, p.8).
[103] Appendix B notes the entry stage of all the PPSs that entered Scottish SEA.

interpretation of environmental justice. Additionally, the majority, 41 of 67, references to environmental justice in SEA Documents produced in Scotland in the period 21 Jul 04 – 20 Nov 07 were directly motivated by Policy Documents (Table 5.2). These SEA Documents relate to 30 PPS. Further data analysis reveals that in the case of 31 SEA Document relating to 24 PPSs references to environmental justice and environmental injustice were made only in relation to Policy Documents. What Policy Documents drove the interpretation of environmental justice and how the references they contain were employed is now examined.

Table 5.4 lists the types of SEA Documents (21 Jul 04 – 20 Nov 07) that contain explicit reference to environmental justice or environmental injustice and where these references appeared in the SEA Document. In 34 cases references to Policy Documents were found in what this thesis refers to as the 'Policy Context'. As Table 3.5 indicated, the Policy Context comprises two of the SEA Directives reporting requirements, namely, the PPSs "relationship with other relevant plans and programmes" (Annex 1(a)) and also the relevant "environmental protection objectives, established as international, Community or Member State level" (Annex 1(e)).

Table 5.4 The types of SEA Documents that contain explicit reference to environmental justice or environmental injustice motivated by Policy Documents. The table indicates whether the references are located in the Policy Context, Assessment, Baseline, or environmental problems.

SEA Stage[1]	*SEA Document (total in category)*	*Location of the references to environmental justice and environmental injustice motivated by Policy Documents*			
		Policy Context	*Assess-ment*	*Baseline*	*Env. Problems*
Screening	Report (0)	-	-	-	-
Scoping	Report (12)	8	2	-	2
	Report – Internal Appendix (9)	9	-	-	-
	Report – External Appendix (2)	2	-	-	-
Environmental report	Report (4)	3	1	-	-
	Report – Internal Appendix (2)	2	-	-	-
	Report – External Appendix (5)	5	-	-	-
Consultation Response	Screening (0)	-	-	-	-
	Scoping (0)	-	-	-	-
	Environmental report (2)	2	-	-	-
-	Other[2] (6)	3	-	3	-
-	Total (42)[3]	34	3	3	2

[1] The types of SEA Document relate to the screening, scoping and environmental report stages of SEA together with consultation responses on these stages.
[2] Other documents include draft PPSs, PPSs, background papers about particular PPSs or the SEAs.
[3] In this case the total number of documents and the total references to environmental justice are the same.

SEA Guidance for use in Scotland (ODPM 2005; Scottish Executive 2006e) suggested these two reporting requirements are combined. The "relationship with other relevant plans and programmes" (and in Scotland) strategies, is likely to include the drivers for the plan or programme. The policy context is intended to inform the subsequent assessment (Thérivel

2004; ODPM 2005; Scottish Executive 2006e). The drivers for the plan or programme can be economic or social. Therefore combining these two requirements increases the likelihood of economic or social information being included in this part of the SEA. This could potentially counter the "environmental protection objectives" and thus the aspiration for environment to be kept separate from economic and social issues as Section 2.3 discussed.

Table 5.5 identifies that three references to a Policy Document are made in the Assessment of significant environmental impacts and a further three references are made in the Baseline of SEA Documents. One reference is made in relation to Environmental Problems (Report 239) – in this case reference is made to environmental justice research and thus is included and discussed in Section 5.3. Those references within the Assessment appear in subsequent documents relating to the same plan, topic papers, a draft plan and in a background report for Clackmannanshire and Stirling Structure Plan – and relate to *Scottish Planning Policy (SPP) 16*. The content of SPP16 is now reviewed.

Table 5.5 The SEA Documents containing explicit reference to environmental justice or environmental injustice motivated by Policy Documents that appear in the SEA Assessment, Baseline or Environmental Problems

Location of reference	*SEPA No.*	*Responsible Authority*	*Plan, programme or strategy name*	*Document type*	*Policy Document referred to*
Assessment	62/1	Clackmannanshire Council and Stirling Council	Structure Plan Alteration	Topic Papers	SPP16
	62/2	Clackmannanshire Council and Stirling Council	Structure Plan Alteration	Draft plan	SPP16
	62/3	Clackmannanshire Council and Stirling Council	Structure Plan Alteration	Background Report	SPP16
Baseline	29/3	Scottish Executive	The Scottish Forestry Strategy	Environmental report	Range of documents
	195/1	Scottish Executive	Forest District Strategic Plans	Scoping Report	Range of documents
	195/2	Scottish Executive	Forest District Strategic Plans	Scoping Report (revised)	Range of documents
Environmental Problems	239/1	Scottish Executive	SPP3: Planning for Housing	Scoping Report	SPP7
	239/2	Scottish Executive	SPP3: Planning for Housing	Scoping Report	SPP7

KEY
SPP Scottish Planning Policy

SPP16: Opencast Coal (SEDD 2005) was a key initiative within the environmental justice policy (SEEG 2005b, p.6). The topic of SPP16, opencast coal, symbolically links to the opencast sites, which subsequently became landfills, at Greengairs, North Lanarkshire, visited by the former First Minister, Jack McConnell, in advance of his speech on social and environmental justice in 2002 (McConnell 2002). The summary of SPP16 states that "[t]hrough its Environmental Justice agenda, the Executive is committed to improving the

environment in which the people of Scotland live" indicating that there should be a "presumption against development" out with "acceptable" areas.

SPP16 provided two tests (SEDD 2005, p.4[9]) which convey that opencast "extraction should only take place if the impact on communities and the environment is acceptable; or if the proposal provides local community benefits that outweigh the impacts" (SEDD 2005). This acceptability can be "clearly demonstrated, using appropriate EIA methodology" (No.62/1). This assessment occurs at the project scale. The Structure Plan background report indicated:

> "It introduces a more precautionary approach to opencasting and contains what amounts to a presumption against new opencast coal operations, bringing Scottish policy more closely into line with existing policy in England and Wales" (No. 62/1, p.25).

This statement highlights two issues. Firstly the initiative featured in SPP16 was not unique to Scotland but, as with other measures listed in the *Review of Progress on Environmental Justice* (SEEG 2005b), paralleled existing developments in England and Wales. Additionally, implicitly environmental justice is again being tackled at the geographic scale of 'projects'.

These three SEA Documents refer to the same PPS. Thus these documents replicate that phrasing. Further, this draws attention to another influence on interpretation of the policy objective, environmental justice, that SEA Documents contain information copied from others. Table 5.6 shows other documents contain the same text. The references in the Scottish Forestry Strategy No. 29/3 are the same as those within the Scottish Forestry Strategic Plans No. 195 – including an error in the referencing. No. 29/3 intends to influence No.195, therefore, it is appropriate that they use the same assessment methods. However, in some instances, copying could reflect the PPSs being assessed did not motivate the reference(s) to environmental justice contained in SEA Documents.

Table 5.6 Documents containing the same text indicating that information has been copied from one report to another (these references appear in the Policy Context of documents as described in Table 3.5)

Original SEPA No.	*Copy 1 SEPA No.*	*Copy 2 SEPA No.*	*Evidence of copying*	*Relationship between the Plans, Programmes or strategies (PPS)*
29/1	29/2	-	Same text	Same PPS
29/1	57	88	Duplicated text includes an error	N/A
29/3	195/1	195/2	Duplicated text includes an error	Hierarchy
62/1	62/2	62/3	Same text	Same PPS
94/1	94/2	-	Same text	Same PPS
146/2	187	-	Same text	Prepared by same consultant
179/1	179/2	179/2	Same text	Same PPS
195/1	195/2	-	Same text	Same PPS
220/1	220/2	-	Same text	Same PPS

Potentially references to environmental justice could be replicated in further documents – for example references to the National Planning Framework and Partnership Agreement are very similar.

The sample that was assessed used all the Scottish SEA Documents. Thus the original document is likely to be the earliest dated reference to the text. Text is duplicated within the same PPS and this reflects that a document such an environmental report builds on the information presented in a Scoping Report. In one case SEA Documents refer to the same PPS and, rather than duplicating text, a dialogue between the Consultation Authorities and a Responsible Authority about how or whether environmental justice should be included in the SEA e.g. SEPA No. 1791, 179/2 and 179/3. Potential duplication, the socio-economic groups linked to references of environmental justice, together with the scale of assessment, are now discussed in relation to the frequency and character of the references in the Policy Context.

Table 5.7 lists the Policy Documents which motivated consideration of 'environmental justice' and 'environmental injustice' and the character of the reference, whether it was 'Direct', 'Indirect' or 'Unconnected'. Fourteen references are 'Unconnected'. This means that they do not state how Policy Documents, or the references to environmental justice they contain, influence the environmental assessment or the PPS. In contrast, 'Indirect' descriptions indicate reference to a Policy Document links to (proposed) assessment or PPS policies e.g. "Proposals…should tie in with the long term objectives…" (No.240, p.44) but this link is not 'Direct'. Direct references indicate a clear link is made between environmental justice and the (proposed) assessment or PPS policies.

Table 5.7 The Policy Documents featured in the Policy Context of SEA Documents which drove consideration of environmental justice and environmental injustice and the character of the reference whether it was Unconnected, Indirect, or Direct as defined by Table 3.6.[104]

Policy Document (date available)	*The character of the reference to environmental justice and environmental injustice*			
	Uncon-nected	*Indirect*	*Direct*	*Total*
National Waste Plan (Feb 03)	1	3	1	5
Partnership Agreement (May 03)	2	3	-	5
SPP 7: Planning and Flooding (Feb 04)	-	-	-	0
National Planning Framework for Scotland (Apr 04)	3	8	4	15
Environmental Justice and the Natural Heritage (Aug 04)	2	2	1	5
SPP 16: Opencast Coal (Jul 05)	-	-	-	0
Choosing Our Future (Dec 05)	1	3	-	4
Enjoying the Outdoors - An SNH Policy Framework Draft (Jul 06)	-	1	-	1
SPP 4: Planning for Minerals (Sep 06)	-	-	1	1
Other[1]	-	1	2	3
Total	9	21	9	39

SPP Scottish Planning Policy prepared by Scottish Executive Development Department (SEDD)
SNH Scottish Natural Heritage
[1] The term environmental justice is related to a range of documents or is featured in the Policy Context but is not linked to a specific document.

Environmental justice was part of the Partnership Agreement's central vision (Scottish Executive 2003a), the Scottish Executive's programme for government 2003-2007. Where reference is made to the Partnership Agreement, the SEA Documents present almost the same text as contained by the Agreement including the high-level vision and five primary objectives (Box 5.1). In all cases the reference was either 'Unconnected' or 'Indirect'. Although one PPS, the Scottish Forestry Strategy (No.29), arguably attempted to put the concept of environmental justice into operation as Section 4.3 evaluated.

The repetition of similar text listed in Table 5.6 indicated there may be duplication between SEA documents. Three SEA Documents contain exactly the same text – and it is likely the text *has* been duplicated because it includes an error. The scoping report for the SEA of the Scottish Forestry Strategy (No.29/1) is the earliest of the three (Nov 05). This report presents the central vision in error as "Growing Scotland's Economy. growing (sustainably) the Scottish economy" (No.29/1, p.8[10]). This error is duplicated in The Rural Development Programme for Scotland (No.57) and A Forward Strategy for Scottish Agriculture (No.88) Scoping reports. Thus the information in the policy context of reports 57 and 88 was copied from 29/1.[105]

[103] Table 5.7 shows no reference was made to *Meeting the Needs* Scotland's first sustainable development strategy.
[105] The appendix to the finalised forestry strategy environmental report (No.29) remedies the error in the original document.

All documents that made reference to the Partnership Agreement also listed the National Planning Framework. The National Planning Framework guides the spatial development of Scotland to 2025, setting out a "vision of Scotland in which other plans and programmes can share and …contribute" (Scottish Executive 2004a). As Box 5.1 indicates, environmental justice is included in the National Planning Framework's key aims. Again the SEA Documents provide a brief description of these aims, including the need "to promote social and environmental justice" (Box 4.1). The SEA Documents 29/1, 57 and 88 contain the same details and this and further information is likely to have been duplicated.[106]

Box 5.1 The key aims of Scotland's first National Planning Framework prepared in 2004 which includes the commitment to environmental justice (Scottish Executive 2004a)

The key aims of the strategy for Scotland's spatial development to 2025 are:

- to increase economic growth and competitiveness;
- to promote social and environmental justice; and
- to promote sustainable development and protect and enhance the quality of natural and built environments.

No strong links between the Policy Document and the SEAs assessment of significant environmental impacts were shown in these examples. However, several SEA Documents connect the National Planning Framework's commitment to environmental justice to SEA assessments. For example, East Renfrewshire Local Plan environmental report (No.34) "Promotes Social & Environmental Justice, Sustainable Development and seeks to protect and enhance the quality of the natural and built environment" (No.34, p.[36]).

Two of East Renfrewshire Local Plan's policies and strategies are linked with this statement, they aim to deliver "principles of sustainable development through all development proposals received by the Council" and control "significant development proposals". This later policy "also refers directly to all [Development Control] policies" (No.34, p.76). Another plan, the A96 Corridor Masterplan (No.94, p.26), links the commitment to environmental justice with a need to "recognise the importance of economic

[106] The Pentland Hills Park Plan (No.146/2) references another SNH 'Policy Draft' *Enjoying the Outdoors* which intends to build a better Scotland through recreation by "Seeking environmental justice" (No.146/2, p.51[52]). Therefore a key message from the review of the Policy Context is that the Plan should be "Seeking environmental justice" (No. 146, p.10[12]). The report highlights how "Scotland has advocated the increased promotion of sustainable development principles and environmental justice for many years" (No.146/1, p.1[4]; No.146/2, p.5[6]); linking environmental justice to Scotland's broader SEA remit via the SEA Act. The same text appears in another scoping report prepared by the same consultant applying to a different geographic scale and location (No. 187, p.1[4]). This time it intends to "Promote environmental justice" (Ibid).

growth and social inclusion" (No.94/1, p.26; 94/2, p.26) echoing the phrasing in the National Planning Framework.

These examples show that references to environmental justice can be actively linked to policies intended to have direct effects. However, in this case environmental justice is wedded to other contested concepts such as social inclusion or directly linked to sustainable development. As Chapter 1 explored, the "principles" of sustainable development can alter depending on the definition employed, thereby influencing the interpretation of the policy. Further potential for conflict between policies for economic growth, social inclusion and environmental justice were not investigated. The link from references to environmental justice to discernable policy outcomes in these cases remains unclear.

The SEA Documents No.29/1, 57 and 88 also indicated that an SEA of the National Planning Framework has been carried out, Box 5.2. This provides an interpretation of environmental justice which acknowledges the need to balance competing objectives – "care will need to be taken to ensure that development promoted in furtherance of economic growth and competitiveness complements and reinforces environmental aims and objectives" (No.29/1, p.9[10]; No.57, p.19, 20; No. 88, p.11).

Box 5.2 An extract from the SEA Documents SEPA No.29/1, 57 and 88 listing information about the voluntary SEA Assessment carried out of Scotland's first National Planning Framework. The reference to environmental justice is highlighted in this text.

SEA ASSESSMENT:
All of the aims are likely to have some positive effects on the environment. Increased economic growth and competitiveness can deliver a higher quality of life, improved infrastructure and better environments. A commitment to environmental justice can ensure improved living environments and better health for disadvantaged communities. However, care will need to be taken to ensure that development promoted in furtherance of economic growth and competitiveness complements and reinforces environmental aims and objectives. Proposals will need to be carefully assessed at the development plan and project stages.

In this case a desired outcome from environmental justice policy is cited as "improved living environments and better health for disadvantaged communities," thus 'disadvantaged communities' are the socio-economic target group (See Box 5.2). However, how these communities can be identified has not been qualified. Putting the National Planning Framework's vision into operation rests on the need for proposals "to be carefully assessed at the development plan and project stages". This again draws attention to the central topic of the geographical scale at which environmental justice is mobilised, and as a consequence the evidence that is required.

References in five documents to "environmental injustice" were linked to the *National Waste Plan* (SEPA 2003) which "establishes the direction of the Scottish

Executive's policies for sustainable waste management to 2020" (SEPA 2003, p.6[8]). In this case, rather than a re-iteration of key aims of the National Waste Plan, SEA Documents give a more detailed indication of how the reference influences the PPS. In many cases this is still an 'Indirect' link referring to the need to prevent 'environmental injustice' (No. 86, 95, 142/1, 142/2). The second National Planning Framework scoping report states it will "complement Area Waste Plans and the National Waste Strategy by exploring requirements for strategic facilities" (No.161/1, p.39[43]). This high level plan, if dealing with 'locations', could take account of relevant National level information.

One SNH response (No.179/2) actively promoted use of their policy brief, *Environmental Justice and the Natural Heritage* (SNH 2004). This policy brief indicates that SNH will respond to environmental justice through: actions to improve poor quality landscapes and environments close to where people live; involving people in decisions concerning local environments; and, improving access to environmental information[107]. However, the Responsible Authority stated it would "add little value, and they may be more appropriate at the local plan level" (No.179/3, p.6, 20);[108] Again shifting the concern for environmental justice to a lower geographic scale.

An abbreviated reference to Environmental Justice and the Natural Heritage appeared in the SEA Document from a plan for a *New Forth Crossing* (No.220).[109] This is a controversial plan to build another road bridge across the Forth Estuary, north of Edinburgh, because of the corrosion of the existing bridge (Scottish Executive 2005c; 2005d). The construction of the new crossing has "potential to result in environmental justice for some residents in the vicinity" (No.220/2, p.74). This is a comparatively wealthy area. Thus injustice is at the project level and is created regardless of the socio-economic status of the residents. However, the report also stated that "without a replacement crossing, access… would be severely limited" (No.220/2, p.74). Arguments for and against this project could be supported by the concept of environmental justice. Not building the bridge could be viewed as "unjust" because it would limit access to and from Scotland's capital city, Edinburgh.

One SEA Document made a symbolic link between environmental justice and another agenda. *SPP11 (consultation draft): Physical Activity and Open Space* (SEDD 2006) does not contain reference to environmental justice but No.167 connected it with this policy

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[107] Environmental Justice and the Natural Heritage (SNH 2004) (Table 4.1) provides a summary of the history of environmental justice, re-iterating the Scottish definition (Box 1.3).

[108] Two cases did make a 'Direct' connection between *Environmental Justice and the Natural Heritage* and the PPS, with an extensive summary of its contents appearing in one scoping report (Box 4.4) (No.271). This plan has not gone through the full assessment. Therefore how it is claimed that environmental justice has been taken into account as a result of this document cannot be assessed.

[109] *Environmental Justice and the Natural Heritage* was included in another scoping report, but with no indication of how this influenced the plan or the SEA (No.249).

agenda. Conversely, SEA Documents cited Policy Documents that contain the commitment to environmental justice without the SEA Document acknowledging that commitment, as listed Table 5.8. Thus environmental justice was not always chosen as a priority to include as a result of these Policy Documents. In relation to the Policy Document Choosing Our Future, Perth & Kinross Air Quality Action Plan (No. 166) stated Scotland's Sustainable Development Strategy was "based upon on the principle of environmental justice" (No.166, p.36). In 38 of the documents Choosing Our Future was included in the Policy Context with no connection to environmental justice being made.[110]

Table 5.8 SEA Documents that make reference to environmental justice that contain references to Policy Documents but do not include the references to environmental justice and environmental injustice the Policy Documents contain. This shows that the decision to include environmental justice as a result of the Policy Document rests on the judgement of those preparing the SEA Document.

Policy Document (date available in brackets)	*Reference to environmental justice and environmental injustice contained in Policy Documents are:*	
	Listed in the SEA Document	*Not Listed in the SEA Document*
National Waste Plan (Feb 03)	5	17
Partnership Agreement (May 03)	5	4
SPP 7: Planning and Flooding (Feb 04)	2	-
National Planning Framework for Scotland (Apr 04)	15	21
Environmental Justice and the Natural Heritage (Aug 04)	5	-
SPP 16: Opencast Coal (Jul 05)	3	-
Choosing Our Future (Dec 05)	4	35
Enjoying the Outdoors - An SNH Policy Framework Draft (Jul 06)	1	-
SPP 4: Planning for Minerals (Sep 06)	1	-
Total[1]	41	77

KEY
SPP Scottish Planning Policy prepared by Scottish Executive Development Department (SEDD)
SNH Scottish Natural Heritage

[1] The category 'other' is not included in the total (if it had been included a further seven SEA documents would be listed) because this relates the term environmental justice in a range of documents – a range of documents will always be included in the environmental report and it is not fruitful to assess this in this instance.

All of this leads to a question about the extent to which the lists of Policy Documents in any particular environmental report are used to inform the SEA. There is evidence to suggest that some references to environmental justice have been duplicated because of copying between documents. At SEA meetings the potential for making generic lists of relevant policy documents was discussed (Table 2.2 14, 21 and 28 May 08). Environmental justice is conflated with other contested concepts, particularly sustainable development – the target

[110] In three other cases ties are made between environmental justice and this Policy Document, although the most direct is South Ayshire Council's Core Paths Plan (No.43). This strategy prioritises the inclusion of environmental justice: "local environmental improvements can make an important contribution to environmental justice since it is often the most deprived communities that live in the worst environments" (No.43, p.6). Reiterating the original words of the First Minister's speech (McConnell 2002).

population group for the policy (who or what the "goods" and "bads" are distributed amongst) is not defined.

In one document (SEPA No.93), SNH recommended that environmental justice could assist in a "more focused approach to identifying relevant policies and plans" (No.93, p.4); one that would include other "key national, regional and local policies" (Ibid). However, environmental justice is routinely viewed as something that should be dealt with at the scale of projects. Whether or not reference is made to environmental justice as a result of a Policy Document is governed by choices made by people preparing the SEA Documents. The production and promotion of research was central to the commitment to environmental justice. The next section examines how SEA Documents used research evidence related to environmental justice.

5.3 The use of research evidence

The process of generating research evidence was integral to the promotion of environmental justice as a policy objective in the US and this was paralleled by events in the UK (Section 1.2) and Scotland (Section 1.3). Identifying references to environmental justice in SEA Documents enabled analysis of whether or how research evidence has been used to support the commitment to environmental justice. Table 5.2 showed that of the total 2,377 SEA Documents, 58 make explicit reference to environmental justice or environmental injustice. However, only eight of these 58 documents make reference to environmental justice in relation to research evidence.

Table 5.9 provides an overview of the different types of research evidence included in SEA Documents which are used to support consideration of 'environmental justice' and 'environmental injustice'. Table 5.9 notes that the Scottish Index of Multiple Deprivation (SIMD) of 2004 and 2006, briefly introduced in Section 1.3, was used as evidence. The Scottish commitment to environmental justice motivated 'un-official research' – such as texts associated with FoES. Only Research Studies commissioned by, or on behalf of, the Scottish Executive were used within SEA in relation to environmental justice. Thus, the concept was not being broadened out to include 'unofficial' perspectives.

Table 5.9 Categories of SEA Documents that contain explicit reference to environmental justice or environmental injustice as a result research evidence (21 Jul 04 – 20 Nov 07). The Table indicates what types of evidence motivated the reference whether this was the Scottish Index of Multiple Deprivation (SIMD) or other Research Studies

SEA Stage [1]	*SEA Document (total number that make explicit reference to environmental justice or environmental injustice within category)*	*Motivation for reference to environmental justice or environmental injustice in SEA Document* [2]	
		SIMD (04 or 06)	*Research Studies*
Screening	Report (0)	-	-
Scoping	Report (6)	3	3
	Report – Internal Appendix (0)	-	-
	Report – External Appendix (0)	-	-
Environmental report	Report (2)	2	1
	Report – Internal Appendix (0)	-	-
	Report – External Appendix (0)	-	-
Consultation Response	Screening (0)	-	-
	Scoping (1)	1	-
	Environmental report (0)	-	-
-	Other [3] (0)	-	-
-	Total (9)	6	4

[1] The types of SEA Document relate to the screening, scoping and environmental report stages of SEA together with consultation comments on these stages.
[2] References to environmental justice or environmental injustice can appear in relation to different topics in one document, thus the total number of references is greater than the total number of documents.
[3] Other documents include draft PPSs, PPSs, background papers about particular PPSs or the SEAs

Two of the Research Studies featured in Table 5.9 used the SIMD to determine relevant socio-demographic groups of concern, and, one used data directly derived from the census. Section 1.2 highlighted that environmental justice has been debated in relation to potential impact on a wide variety of different social groups which have been identified by factors such as gender, ethnicity or age. However, in Scottish SEA research evidence for environmental justice was predominantly connected to measures of deprivation. Section 5.4.1 now reviews use of the SIMD, Section 5.4.2 considers references made to environmental justice in relation to the official Research Studies.

5.3.1 The Scottish Index of Multiple Deprivation

The interpretation of environmental justice as a policy objective reflects what is considered evidence of environmental justice, as examined in Chapter 4, together with how this evidence influences decision-making. The SIMD, first introduced in Section 1.3, provided evidence but was also used to identify socio-demographic groups within the Scottish environmental justice research, listed in Table 1.5. The SIMD was also used to produce research into the environmental justice impacts of specific programmes.[111] Therefore how

[111] "Finally, supporting information is provided on the environmental justice of the investment programme [in water services], by mapping the distribution of the investment schemes between different social groups, using the

the SIMD defines socio-demographic group governed the interpretation of environmental justice as a policy objective. This section reviews how the SIMD was interpreted within SEA.

The SIMD is a composite indicator of deprivation used to inform public sector decision-making. It is the "official tool for identifying small area concentrations of multiple deprivation across all of Scotland and is relevant to policies aimed at tackling the causes and effects of multiple deprivation" (Scottish Executive 2006c). The SIMD 04 was developed by the Scottish Executive from the methodology employed in the Scottish Index of Deprivation prepared by the Social Disadvantage Research Centre at University of Oxford (Noble *et al* 2003). The same group, using similar methodologies, had originally prepared the Index of Multiple Deprivation for England, Wales and Northern Ireland which came to inform their subsequent updates to these indexes (Noble *et al* 2006).

The SIMD 04, available from June 04, combines 31 indicators across six domains: income; employment; health; education, skills and training; geographic access and telecommunications; and housing (Scottish Executive 2004b).[112] The SIMD 2004 assigns a weighted aggregate of the 31 indicators to data zones (data for separate domains is available). Scotland is split into 6,505 data zones and each zone is given a rank from the most deprived (1) to the least deprived (6,505). Because each data zones is made up of 500-1000 people the size of the geographic area they cover differs. The SIMD is a relative indicator; its position in the rank is relative to the other data zones, unlike US measures which tend to provide absolute measures of deprivation (e.g. APSE 2009).

The SIMD 06, available from October 2006, maintains the same data zone boundaries but combines 37 indicators across seven domains: current income; employment; health; education, skills and training; housing; geographic access; and crime (Scottish Executive 2006c). In theory, comparing the SIMD 04 and 2006 could show "change over time in the relative distribution of Scotland's deprived areas" (Scottish Executive 2006a). However, in 2006 a crime domain was added[113] and all the other domains except 'employment' were made up of different indicators from the SIMD 04. Thus the "only domain that is directly comparable [in absolute terms] between SIMD 2004 and SIMD 2006 is the employment domain" (Scottish Executive 2006b, p.2). The SIMD was further updated in October 09.

Scottish Index of Multiple Deprivation. This can then be compared to the distribution of these social groups across downgraded watercourses" (Scottish Executive 2005b, p.36[40]).

[112] This paralleled work on the English Index of Multiple Deprivation (Deas *et al* 2003)

[113] The omission of a crime domain in the similar index in England was viewed as a critical omission because crime levels can often be correlated to deprivation (Deas *et al* 2003).

Figure 5.1 identifies the Fife Local Authority Area where there are areas of concentrated multiple deprivation. The SIMD provides a ranking which intends to enable "targeting of policies and resources aimed at tackling areas where there are concentrations of multiple deprivation." (Scottish Government 2009e, p.7[12]). The indicator is to prevent concentrations of data zones of a lower deprivation score – "commonly by applying a cut off such as 10%, 15% or 20%" (Scottish Government 2009f).[114]

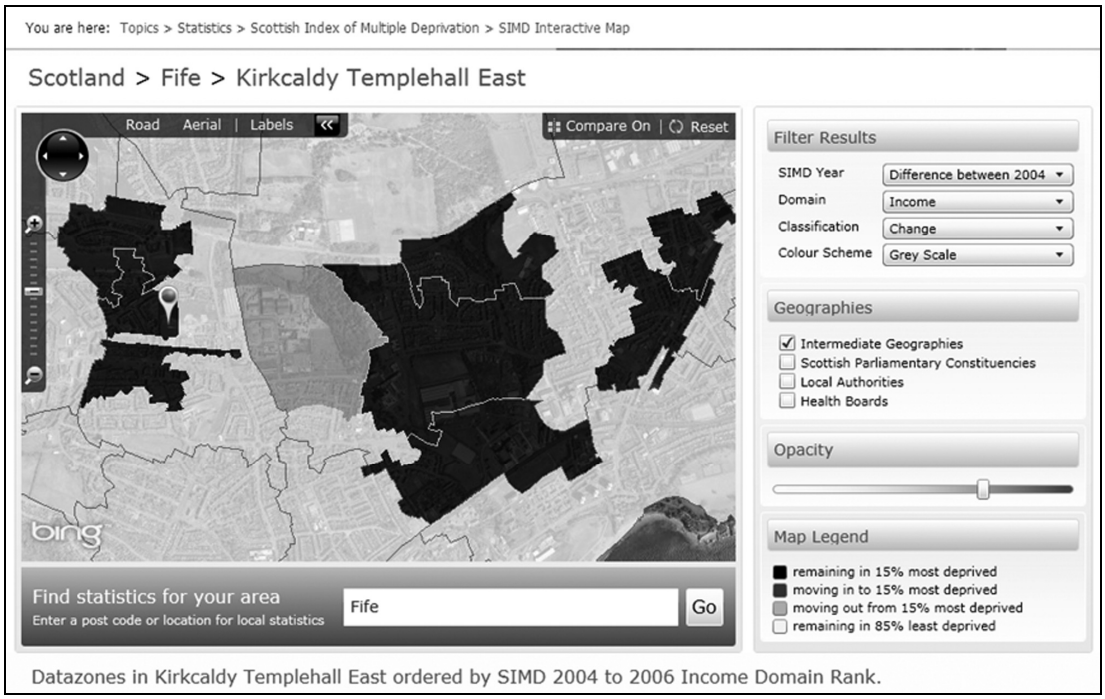

Figure 5.1 An illustration of the data zones from the Scottish Index of Multiple Deprivation (SIMD). This extract shows a comparison between the SIMD 2004 and 2006 for part of Fife local authority area.

The SIMD, similar indicators in the UK and elsewhere (Section 1.3), are used to inform public sector decisions. The first version of the English Index of Deprivation sustained a series of criticisms concerning it efficacy as a "tool to guide resource distribution"(Deas *et al* 2003, p.884). A major difference between the first Indices of Deprivation in both England and Scotland and those produced subsequently, is that they used super output areas (in Scotland called data zones) rather than the larger electoral Wards as the unit of analysis. In a parallel position to environmental justice research, the SIMD is subject to the Modifiable Areal Unit Problem (MAUP) (Openshaw 1984). In terms of the measurement of deprivation, different results can be obtained for different units of analysis (e.g. datazones or wards) (Deas *et al* 2003, p.899; also Bowen & Wells 2002, p.693).

[114] "The cut off should be informed by whether it aims to target areas with the very highest concentrations of deprivation or to be wider ranging" (Scottish Government 2009f).

Rather than present a comprehensive criticism of the SIMD, this Section examines the interpretations of environmental justice or environmental injustice related to use of the SIMD. Table 5.10 illustrates where references to environmental justice have been made in SEA Documents in relation to the SIMD, together with what version of the SIMD was linked to the reference. Not all documents stated what version of the SIMD they used, and therefore the version listed is inferred from the date of the document in relation to the availability of the SIMD 2004 or SIMD 2006. Recent case law indicates that the most up to date data should be used where it is readily available.[115] Table 5.10 also lists the document number (explained in Section 3.3.1), geographic area to which the related PPS applies and the document type.

Table 5.10 Reference to environmental justice in SEA Documents linked to the Scottish Index of Multiple Deprivation (SIMD). The table identifies whether the SIMD 04 and SIMD 06 was used. Where the version of the SIMD used was not stated it has been inferred from the date of the SEA Document. The SIMD 2004 was available from June 2004 and the SIMD 2006 from October 2006.

SEPA No.	*Document date*	*Geographic area*	*Location*	*Document type*	*SIMD 04*[1]	*SIMD 06*[1]
4	15 Jun 05	Regional	Glasgow and Clyde Valley	Scoping Response by SNH	(X)	-
29/1	11 Nov 05	National	Scotland	Scoping Report	(X)	-
31	Aug 07	Local	Fife Council	Environmental report	X	X
151	Aug 07	Local	Fife Council	Environmental report	X	X
167	8 June 07	National	Scotland	Scoping Report	-	(X)
195/1	11 May 07	Local (across Scotland)	Scotland	Scoping Report	-	(X)
195/2	Jul 07	Local (across Scotland)	Scotland	Scoping Report	-	(X)

[1] Brackets indicate this was inferred from document date.

The example provided by SEA Document No.4 (Table 5.10) is used to discuss the content of the index and its relation to environmental justice. In this document the Geographic Access domain of the SIMD was recommended for use by SNH in their Scoping Response to PPS No.4. "Work on environmental justice suggests a strong relationship between communities with low capacity and esteem, health problems and degraded environments and work on the Scottish Executive's Deprivation Index supports the use of access to greenspace as an indicator of environmental deprivation" (No.4, p.5).

The SIMD 2004 contained no "access to greenspace" indicator. The access category is labelled "access and telecommunications" but the domain contains no telecommunications

[115] Seaport Investments Ltd's Application for Judicial Review, Re [2007] NIQB 62; [2008] Env.L.R. 23.

indicators.[116] Rather the indicators measure "drive time" to five different types of services: a GP (General Practitioner or Doctor); supermarket; petrol station; primary school; and post office (Scottish Executive 2004b). The reliance on "drive time" as an indicator, arguably creates unfairness.

Deas *et al* state that "the use of the access domain seems particularly inappropriate for measuring differences across urban areas because variations in access are as much a result of sociocultural constraints as of physical distance per se" (Deas *et al* 2003, p.894) Other official statistics suggest people with lower incomes have lower levels of car ownership than people with higher incomes (Department for Transport 2007, p.26). The 2006 update to the SIMD included information about public transport – although Deas *et al* argued that even in such cases where public transport is taken into account "the quality of the services themselves" should be examined (Deas *et al* 2003). Table 5.11 demonstrates that in the SIMD 06 the Scottish Executive chose to give a comparatively low weighting to the access indicator.

Table 5.11 Weightings applied to each of the domains in the SIMD 2004 and SIMD 2006 (Adapted from Scottish Executive 2006c). The table shows that each of the domains comprises of several indicators – these are also weighted.

Domain	*Number of indicators in each domain 2004*	*% of overall weight 2004*	*Number of indicators in domain 2006*	*% of overall weight 2006*
Current Income	6	29	12	28
Employment	6	29	12	28
Health	3	14	6	14
Education	3	14	6	14
Geographic Access[1]	2	10	4	9
Housing	1	5	1	2
Crime	-	-	2	5
Total	21	101[2]	43	100

[1] In the SIMD 2004 this domain was referred to as 'Geographic Access and Telecommunications'.
[2] To function as a percentage figures should total to 100, the information derived from the report totals to 101.

When the domains are disaggregated the "geographic access and telecommunications" domain in the SIMD 2004 provides a different pattern of deprivation to the other domains – following the IMD "it is negatively related to all the other indicators in the index" (Deas *et al* 2003, p.896). Including access data in indices of multiple deprivation may reflect political pressure to recognise parts of the country. In particular, areas outside of urban centres that have poor access to facilities but score well in other domains (Deas *et al* 2003). The SIMD 2004 "access" indicator does not include greenspace, therefore, it would be misleading to use

[116] The access domain in the SIMD 2006 was altered by exchanging "supermarket" with "shopping facilities" and additional categories were added, in particular "public transport time to GP", "shopping facilities" and "Post Office" (Scottish Executive 2006b).

it to represent "access to greenspace". The SIMD 'access' domain has altered from the 2004 to 2006 versions.[117]

Due to commitment to environmental justice, the possibility of adding a "physical environment domain" to the 2006 update of the SIMD was explored (SEEG 2005b, p.[19] ; also Fairburn *et al* 2005) but this never materialised. Inclusion of the physical environment reflects the geographic scale at which deprivation is conceived. The assumption on the part of the Index, following similar indices', is that deprivation is "fundamentally an individual and household phenomenon rather than a multidimensional phenomenon that also functions at the (geographic) neighbourhood scale" (Deas *et al* 2003, p.900).

The changing indicators are discussed within the environmental baseline for the Finalised Fife Structure Plan (No.31) and environmental problems in the Fife Access Review Strategy (No. 151). These reports duplicate one another.[118] Other examples of duplication in documents were examined in relation to references to environmental justice and environmental injustice made as a result of Policy Documents in Table 5.6. In relation to potential future population and health trends both SEA Documents note:

> "…given that Fife's Scottish Index of Multiple Deprivation score has deteriorated between 2004 and 2006, this may negatively affect the level of 'environmental justice' in Fife in the long-term. Social deprivation, and some aspects of environmental quality, such as air quality, proximity to industrial sites and derelict land, can impact health and well-being" (No. 31, p.20[24]; No. 151, p.34-35 [40-41]).

The deterioration in the SIMD scores from 2004 to 2006 is seen to affect the level of environmental justice. However as Section 1.3 identified the baseline information for the indicator changed to include a crime domain – and other information was included in another five domains. Thus "much of the SIMD 2006 is not comparable with the SIMD 2004" (Scottish Executive 2006b, p.2[10]). Therefore, the 'level' of environmental justice in this instance is contingent on the changing information contained in the index. The Scottish Executive was clear to stress that the only information that was strictly comparable was the 'employment' domain (Scottish Executive 2006b). However, the interactive website explicitly offers the ability to view the changes between the SIMD 04, 06 and 09 (Scottish Government 2009g).

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[117] Similar drive times categories to the SIMD 2004 are included but measures of 'drive time' with another 'sub-domain', 'public transport' – specifically the public transport time to a GP, shopping facilities and a Post Office (Scottish Executive 2006a). The public transport domain is weighted as 25% in comparison to the Drive time sub domain at 75%.

[118] The duplication between the SEA Documents is based on geographic area rather than PPS sector, with the first report being prepared by Fife Council and the second by consultants on behalf of Fife Council.

Thérivel states that "In some countries, indices of deprivation already exist, along with lists/maps showing areas of relative deprivation: this simplifies the identification of currently disadvantaged groups" (Thérivel 2004, p.91). However, evidence from the documents shows, when complex indicators are used, their content may be inferred from the names of their component parts, such as 'Access', rather than examining the data on which such components are based.

Although the SIMDs content has altered between 2004 and 2006 the desire to assess progress means that data is still compared. This is emblematic of a more general tension. Indicators must be complex to capture complex ideas such as deprivation. However, with greater complexity comes a greater likelihood that indices or the separate domains and indicators they contain will be used, but without a coherent understanding of their content. The two main Scottish research studies (Table 1.5) into environmental justice employed the SIMD to represent the social and economic groups. The next section explores how this and other research has been used and interpreted.

5.3.2 Scottish environmental justice research

The activity surrounding the commissioning and delivery of Scottish environmental justice research was central to the development of Scotland's commitment to environmental justice – as detailed in Section 1.3. This Section examines how explicit references to environmental justice were linked with research. Research in the US was used by activists to press for the creation of the Executive Order – whereas, official Scottish research was commissioned after environmental justice was first integrated into Scotland's sustainable development strategy (SEEG 2002).

The Scottish Commitment to environmental justice motivated two Scottish main research studies. Both studies explicitly include the term environmental justice in their titles: *Investigating Environmental Justice in Scotland: Links Between Measures of Environmental Quality and Social Deprivation* (Fairburn *et al* 2005), the 'SNIFFER Study'; and *Public Attitudes and Environmental Justice in Scotland: A Report for the Scottish Executive on Research to Inform the Development and Evaluation of Environmental Justice Policy* (Curtice *et al* 2005), the 'Attitudes Study'.

The SNIFFER Study, in particular, has been widely debated within forums associated with environmental justice and SEA (Table 1.3, from 18 Nov 03 onward). The definition of environmental justice it employed has been cited in research regarding how information can be effectively provided to the public (Welstead *et al* 2006). The potential of this research to

render inequality was discussed by local authority representative in relation to SEA baseline data (Local Authority representative, pers. comm., 9 May 07). Thus research has been used and interpreted in a number of ways beyond those identified in this section. It is important to examine how research informed SEA as SEA was considered a "principal tool for delivering both strands of environmental justice" (SEEG 2005b, p.24) and SEA was intended to be applied to virtually all public sector PPSs.

Table 5.12 provides an overview of references to environmental justice in SEA Documents – in relation to research commissioned for (or on behalf of) the Scottish Executive. The table provides details of the number of the SEA document, the SEA document type, research to which the SEA document refers, and what part of the SEA document the reference was found. It also illustrates that one other piece of research commissioned by the Scottish Executive was referenced in relation to environmental justice in SEA Documents – research *Exploring the Social Impacts of Flood Risk and Flooding in Scotland* (Werritty *et al* 2007). In relation to the pivotal place of research in debates about environmental justice five documents making reference to research is a very small number.

Table 5.12 References to environmental justice in SEA Documents related to research commissioned for (or on behalf of) the Scottish Executive

SEPA No.	*PPS*	*Responsible Authority*	*Geographic area*	*Document type*	*SNIFFER Study*[1]	*Attitudes Study*[2]	*Flood Risk*[3]
151	Fife Access Review Strategy	Fife Council	Regional	Environmental report	Env. problems		
161[4]	National Planning Framework II	Scottish Executive	National	Discussion Paper	Assessment		
167	SPP14: The Natural Heritage	Scottish Natural Heritage	National	Scoping report	Env. problems	Env. problems	
239/1	SPP3: Planning for Housing	The Scottish Government Planning Directorate	National	Scoping report [Received 11 Sep 07]			Baseline
239/2	SPP3: Planning for Housing	The Scottish Government Planning Directorate	National	Scoping report [Received 11 Sep 07]			Baseline

[1] Investigating Environmental Justice in Scotland: Links Between Measures of Environmental Quality and Social Deprivation (Fairburn *et al* 2005).
[2] Public Attitudes and Environmental Justice in Scotland: A Report for the Scottish Executive on Research to Inform the Development and Evaluation of Environmental Justice Policy (Curtice *et al* 2005).
[3] Exploring the Social Impacts of Flood Risk and Flooding in Scotland (Werritty *et al* 2007).
[4] This document was not found from the review of SEA documents but rather from a survey of documents on the Scottish Government website.

Furthermore, the examination of how research was used indicates that the outcomes from environmental justice research have been *misinterpreted* and the complexity of the picture presented by this research has not been acknowledged. For example the *Fife Access Review Strategy* indicated, "relationships between environmental pollutants and health are complicated and often uncertain" (Land Use Consultants 2007, p.34-35 [40-41]). The SEA assessment within the Strategy considered the environmental impacts of the Strategy in relation to a series of objectives. Objective 13 supported "access improvements that encourage people to use more sustainable transport". The discussion related to this objective stated:

> "Research has shown that there is a correlation between areas of poor environmental quality and high social deprivation in Scotland [reference is made to the SNIFFER study]. Therefore Objective 13 will have a positive impact on reducing transport related air pollution which will have a beneficial impact on health and air quality related inequalities" (Land Use Consultants 2007, p.[94]).

This places an emphasis on impacts from air pollution – as does the National Planning Framework SEA (SEPD 2007). The SNIFFER Study split the 6,505 datazones into "ten groups… containing equal populations, these are known as deciles" (Fairburn *et al* 2005). The SNIFFER Study did find that generally higher levels of "transport related air pollution" are found in the most deprived deciles, although comparatively high levels of air pollution were also found in the least deprived deciles.

The Fife Access Review Strategy also assumed that promoting a general activity – "access improvements" or encouraging "people to use more sustainable transport" – "will have a beneficial effect on health and air quality related inequalities" (Land Use Consultants 2007, p.[94]). It is not certain that such beneficial effects on inequalities will arise. The research is used to support an objective, despite the report acknowledging the "complicated and often uncertain" relationship between environmental pollutants and health (Land Use Consultants 2007, p.34-35[40-41]).

Box 5.3 presents information from the Scoping Report for the SEA of SPP 14, The Natural Heritage (No.167). Misinterpretation is caused by conflation of the results from the Attitudes Study and the SNIFFER Study. In relation to the Attitudes Study the Scoping Report states "Research undertaken for the Scottish Executive in 2004-5 showed that whether or not someone lives in a deprived area is the most significant determinant of concern about environmental problems in their area" (Scottish Executive 2007b, p.10[16]). This description of the Attitudes Study omits one vital element – what "environmental

problems" the Attitudes Study measured. This leads to a flawed comparison between the Attitudes Study and the outcomes of the SNIFFER Study.

Box 5.3 Use of research on environmental quality commissioned on (or behalf of) the Scottish Executive. Extract from an SEA scoping report for *Scottish Planning Policy 14 The Natural Heritage* (No.167)

A key link between this topic area and population, is the interrelationship between social deprivation and poor quality living environments. Research undertaken for the Scottish Executive in 2004-5 [the Attitudes Study] showed that whether or not someone lives in a deprived area is the most significant determinant of concern about environmental problems in their area. The attitudinal surveys undertaken as part of this research also showed that there was a very significant gap between perceptions of those living in the most and least deprived areas of Scotland. Further evidence [the SNIFFER Study] confirms that there are particularly strong links between social exclusion and poor environmental quality that is brought about by industrial pollution, derelict land, poor river water quality and air pollution.

This information forms an interesting and challenging context for the development of the SPP. It might be particularly relevant and useful for the SEA to explore the extent to which the SPP helps to address environmental injustices. Data that supports the broader social baseline is also of general relevance to the assessment, such as the Scottish Index of Multiple Deprivation which provides spatial analysis of multiple factor induced 'social need'. In general, it is anticipated that the SPP should seek to not only avoid exacerbating social and health problems, but may also be able to, at least indirectly, help to reduce them and contribute positively to overall wellbeing.

(Scottish Executive 2007b, p.10[16])

The environmental problems measured by the Attitudes Study were "incivilities". The Attitudes Study defined these as "any aspect of the environment that people are capable of discerning through hearing, sight, touch or smell and about which they may be inclined to feel negatively" (Curtice *et al* 2005, p.1). The examples it gave of incivilities were "'street level' incivilities such as litter and graffiti, 'infrastructural incivilities' such as overhead power lines or a landfill site, and 'goods' that may be absent, such as somewhere pleasant to walk or sit" (Curtice *et al* 2005, p.1). The Attitudes Study found that "street level incivilities" were of the most concern to people (Curtice *et al* 2005, p.1) – a finding which led Scandrett (2007) to claim that the Attitudes Study "regards major polluters and infrastructure project (which tend to be driven be economic interests) as less important than low-level incivilities" (Scandrett 2007, p.4)

The excerpt from the scoping report for SPP 14, identifies the "significant gap between perceptions [of environmental problems] of those living in the most and least deprived areas of Scotland" (Scottish Executive 2007b, p.10[16]). It links this significant gap to the "strong links between social exclusion and poor environmental quality that is brought about by industrial pollution, derelict land, poor river water quality and air pollution" found in the SNIFFER Study (Ibid). By misinterpreting the outcome of the studies, rather than shifting the policy emphasis to low level incivilities as Scandrett suggested (Scandrett 2007), it prioritises concern for industrial pollution, derelict land, poor river water quality and air pollution. Scottish Planning Policy 3 used the research into Flood Risk prepared for the

Scottish Executive. This research appropriately did not use the SIMD but rather "showed that there is variation in the nature and scale of effects from flooding events experienced by those living in different tenures of housing" (Werritty *et al* 2007, p.38[53]).

5.4 Conclusions

Environmental justice was one of the intended outcomes of the devolved Scottish Executive 2003-2007. The Scottish Executive identified that SEA was pivotal to the delivery of their environmental justice policy. However, Chapter 4 identified that official guidance did not indicate how SEA could take account of environmental justice or injustice and no public body had a duty to promote environmental justice through SEA. One expert body assisting with SEA implementation, SEPA, incorporated environmental justice into their procedures as a result of Sustainable Development Guidance. However, SEPA were not directly required to, and did not, routinely suggest the SEA should incorporate environmental justice. In tandem with SEA not being undertaken as widely as intended (Chapter 3), arguably this lack of guidance diminished SEAs ability to support the policy objective environmental justice.

The lack of direction, however, could enable a free interpretation of the concept of environmental justice. SEA Documents did make explicit reference to environmental justice and in many cases these were linked with Policy Documents containing the term, together with research commissioned by the Scottish Executive. Environmental justice is a contested concept and many SEA Documents did not define its meaning. Where references in Policy Documents link to assessments, environmental justice was conflated with sustainable development and economic growth – reflecting the grouping of these terms in Scottish policy.

SEA could activate the concept of environmental justice at the geographic scale of policies, plans or programmes. However, when the term was used, it was often stated in the SEA Document that environmental justice should be dealt with at the project level. Actions at the project level are constrained by comparatively narrow project boundaries. Thus SEA did not demonstrate that a strategic overview of the distributive strand of environmental justice was being taken.

Furthermore, often no indication was provided of what population group would be targeted as a result of environmental justice policy. When reference was made to a population group, it was identified by indicators of deprivation – the SIMD. Official environmental justice research also used the SIMD to identify population groups. Use of the SIMD to identify population groups demonstrates a constrained understanding of

environmental justice in relation to the potential breadth of this topic. For example, the index does not include categories employed by the FoE Report: Age; Ethnic; Disability; Vulnerable groups; and Future generations (Walker *et al* 2005). The SIMD is a compound of several indicators. Thus, the level of environmental justice altered with an update to the index's content from the SIMDs first incarnation in 2004 to its 2006 update. The content of the SIMD and the official research using the SIMD was also misinterpreted.

Where SEA Documents made reference to environmental justice, as a result of Policy Documents its inclusion sometimes stemmed from information being copied and pasted from other SEA Documents. This reflects on the overall purpose of SEA and it being driven by a legal requirement. Environmental reports are used as evidence connected with a particular PPS thus environmental reports could be legally compliant for the PPS but not show how duplication influenced their content. Whether duplication would be routinely identified or examined depends on whether people monitor the outputs from SEA. Whether outputs are monitored rests on whether and how people engage in formal and informal SEA procedures. The next Chapter reviews SEA procedures to examine who gets involved in Scottish SEA.

Chapter 6
Procedure and participation

As a concept, environmental justice links social factors such as ethnicity or levels of income to inequitable distribution of environmental quality, lack of recognition and limited participation in environmental decision-making. This is reflected in the two main 'strands' of the Scottish Executive's commitment to environmental justice, the distributive strand (primarily examined in Chapters 4 and 5) and the procedural strand, the focus of this Chapter. Chapter 1 established that public participation was the main procedure identified as contributing to the policy objective environmental justice. Section 2.2.2 indicated that there were three distinct legislative procedures that enabled the public to be informed about, or participate in, decision-making within Scottish SEA: procedures to keep track of SEA application; consultation on the SEA process; and legal challenge.

This Chapter examines outcomes from these three SEA procedures. Section 6.1 reviews the procedures provided for the public to keep track of the extent of SEA application and its contribution to the transparency underpinning environmental justice policy. The outcome from procedures is shaped by who has chosen to participate within the SEA process and whether or how people use SEA procedures. Therefore, sections 6.2 and 6.3 then focus on who gets involved in SEA procedures, together with why they get involved. Section 6.2 reviews the result of measures to promote public participation. Section 6.3 considers the prospects for accountability and participation offered by judicial review. Section 6.4 concludes this Chapter by considering how legislative opportunities for public participation contribute to environmental justice as a policy objective.

6.1 Keeping track of SEA

This section focuses on SEA procedures that enable people to keep track of SEA. The Scottish SEA Act requires that Scottish Ministers prepare a pre-screening register (s.7(5)), together with an annual report to Parliament about their functions under the SEA Act and activities carried out in relation to environmental assessments (s.20(1)(a)). A plan,

programme or strategy (PPS) is pre-screened out of SEA when it has "no effect; or minimal effect, in relation to the environment" (s.7(1)). Ross Finnie, the Minister who introduced the SEA Bill, described that "pre-screening" means: "At a minimum, every public official preparing a strategy, plan or programme will have to think about the environmental effects. If these are significant, the plan will have to undergo an Assessment" (Finnie 2003, p.7).

If the SEA Act was fully complied with, the pre-screening register together with information about SEA undertaken, would record all the PPSs taken forward by "public officials" in Scotland. These aspects were claimed by the Scottish Parliament to produce the "transparency" underpinning SEAs contribution to the procedural strand of environmental justice as a policy objective (Scottish Parliament 2005d, p.8).

Section 2.2 introduced the SEA Gateway, set up to "undertake Scottish Ministers' SEA functions under the Act" (Scottish Executive 2006e, p.5[26]), functions which include the pre-screening and annual reporting duties (Scottish Executive 2006e, p.25[24]). Thus the SEA Gateway makes pre-screening information available online – Appendix C re-produces this information to 20 Nov 07. The SEA Gateway also "exists to aid the administration of SEA in Scotland and to help ensure that information on SEA activities is transparent and accessible" (Scottish Executive 2006e, p.4[25]). Additionally, Jackson and Illsley (2007) identified that the SEA Gateway would enable outputs from SEA to be charted and compared.

Although the SEA Gateway is "unique", Section 2.2.2 indicated several countries have bodies that are established by legislation to provide advisory services for environmental assessment, enabling the public to access information. The SEA Gateway could provide information about all Scottish SEA because it receives all SEA documents, and must forward "relevant documents [from Responsible Authorities to the Consultation Authorities for comment" (Scottish Executive 2006e, p.4[25]) and vice versa. However, the SEA Act does not *legislate* that the Scottish Ministers must make such information publicly available.[119] Rather, it states the Scottish Ministers must produce a yearly report that contain summary statistics about SEA umdertaken (Scottish Executive 2007a; Scottish Government 2008b). To examine the outcomes and implications of measures to keep track of SEA, Section 6.1.1 investigates the pre-screening register and Section 6.1.2 the SEA Gateway's record keeping.

[119] Arguably such a provision would duplicate the provisions of the Environmental Information (Scotland) Regulations 2004 and is therefore unnecessary.

6.1.1 The pre-screening register

To examine how pre-screening could contribute to the transparency underpinning the procedural aspect of environmental justice as a policy objective, where Scottish SEA should be applied must be understood. The UK SEA Guidance, the Practical Guide, provides a list of the type of plans where SEA should be undertaken (ODPM 2005) and the most recent Scottish Guidance, the SEA Tool Kit, indicates types of PPS that had started SEA by the time the Tool Kit was prepared (Scottish Executive 2006e).[120] However, merely providing lists of plans and programmes is problematic because the SEA Act shifts the motivation for SEA from the type of plan or programme to the type of public body responsible for the PPS.

The claim made by Ross Finnie that the SEA Act requires that "every public official" think about the "environmental effect" of their PPSs results from specific procedural requirements. The SEA Act requires that SEA must be carried out of PPSs taken forward by Responsible Authorities, these are "any person, body or office-holder exercising functions of a public character" (s.2(1)). However, the plans and programmes to be undertaken by Responsibly Authorities are those which fall under the remit of the SEA Directive (s.5(3)). The SEA Act then extends the provisions of the SEA Directive by broadening the range of bodies that must apply SEA in Scotland, set out in Section 2(4) of the SEA Act – these are:

(a) the Scottish Ministers;
(b) any holder of an office in the Scottish Administration which is not a ministerial office;
(c) the Scottish Parliament;
(d) the Scottish Parliamentary Corporate Body;
(e) a Scottish public authority with mixed functions or no reserved functions;
(f) any other person, body or office-holder of a description (and to such extent) as may be specified by the Scottish Ministers by order (Section 2(4)).

These bodies must undertake SEA of plans and programmes beyond those stipulated within the SEA Directive (SEA Act, s.5(4)(b)).

> "Only in the case of individual schools has a specific exemption been made outwith the screening processes. This is on the basis that it is considered highly unlikely that any strategy, plan or programme relating to a single school could have significant environmental effects" (Scottish Parliament 2005, p.5).[121]

The broadest category is "(e) a Scottish public authority with mixed functions and no reserved functions" (s.2(4)(e)). The meaning of this category is not indicated within the SEA

[120] The Scottish Executive did not provide comprehensive lists of the types of PPSs the SEA Act applies to because of the fear that this could make the SEA Act too prescriptive (Scottish Executive representative, pers.comm., 20 Feb 06).
[121] Although the SEA Act excludes plans, programmes or strategies that relate to individual schools (s.4(f)) or those plans, programmes or strategies specified by order by the Scottish Ministers (s.6(1)(a)).

Act or related explanatory notes (Scottish Parliament 2005b). Such Scottish public authorities should apply SEA to their PPSs or at minimum, where PPSs have "no" or "minimal" environmental effects, submit pre-screening reports to the Consultation Authorities and SEA Gateway (the Scottish Ministers). Thus, to understand the implications of broadening the application of SEA and to assess these against the outcomes, the question of what is "a Scottish public authority with mixed functions or no reserved functions" must be examined.[122] Guidance about the meaning of this term comes from two sources: Scottish Statutes and Human Rights Cases.[123] Each of these sources is briefly discussed.

Scottish statues provide some guidance about the meaning of this concept. Schedule 1 of the Freedom of Information (Scotland) Act 2002 provides an indicative list of "Scottish public authorities", to which The Environmental Information (Scotland) Regulations 2004 (s.2(f)) also refers.[124] The FOI legislation has been used as a reference by the SEA Gateway (Scottish Government representative, pers. comm., 20 Feb 06). In Nov 2007 the Scottish Information Commissioner, who oversees the FOI regime in Scotland, identified 399 bodies as public authorities.[125] However, the FOI Act and the Environmental Information Regulations apply to a subtly different set of organisations. Additional to the FOI Act, the Regulations specifically include the category "any other Scottish public authority with mixed functions and no reserved functions" qualifying that this is "within the meaning of the Scotland Act 1998" (s.2(f)(b)).

In summary, The Scotland Act 1998's (Schedule 5, Part III, 1 and 2) indicates that a body with "no reserved functions" is a body whose function is within the legislative competence of the Scottish Parliament and Scottish Executive (now Scottish Government). A body with "mixed functions" is one that has public functions assigned to it by both the UK and Scottish Government. However, this explains "Scottish", "mixed functions" and "no reserved functions" but does not explain in essence what a "public authority" is. Further guidance about the meaning of "public authority" can be found from cases motivated by the Human Rights Act 1998 which "gives further effect to the rights and freedoms" enshrined in the European Convention on Human Rights.

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[122] Scott claims that "Clarification of the meaning of 'functions of a public character' is…required if either the environmental or good governance aspirations of SEA are to be attained" (Scott 2008, p.20). In reality clarification is required of what is a "Scottish public authority with mixed functions and no reserved functions."

[123] Guidance could also potentially be sought from European Union case law. Particularly guidance could come from what the European Court of Justice's have chosen to define as "emanations of the state" in relation to the Direct Effect of European Union Directives, most notibly in the case Foster v British Gas Plc. However, in this case the need to define what is a "public authority" results from the provisions of the SEA Act, rather than the SEA Directive. Therefore guidance would most likely come from domestic sources.

[124] A schedule of public authorities can also be found in the Freedom of Information Act 2000, the Race Relations (Amendment) Act 2000, and in the Northern Ireland Act 1998.

[125] This figure was gained from a spreadsheet listing all Scottish Public Authorities available from the Scottish Information Commissioner. The present update of this figure as of February 2010 is 312 (Scottish Information Commissioner 2010).

The UK Human Rights Act (HRA) 1998 (in force in 2002) states: "It is unlawful for a public authority to act in a way which is incompatible with a Convention right" (s.6(1)).[126] The HRA does not define or list "public authorities."[127] However, Section 6(3)(a) does indicate that they include "courts and tribunals", and Section 6(3)(b) "any person some of whose functions are *functions of a public nature*" (emphasis added). Therefore the meaning of "public function" has subsequently sustained a great deal of judicial and other debate (e.g. McDermont 2003; Oliver 2004; Sunkin 2004; Russell 2006; Landau 2007). The HRA states that "In relation to a particular act, a person is not a public authority by virtue only of subsection (3)(b) if the nature of the act is private" (s.6(5)). Increasingly, private bodies provide services previously supplied by the State, such as managing prisons, housing and social care (Sunkin 2004).[128] Therefore the HRA raises important questions regarding what "public functions" and "private acts" are (Landau 2007).

In the case of some organisations, for example local authorities, but also regulators such as SEPA, all of their functions are of a public nature and thus they must conform with the Section 6(1) duty. These have been variously identified as *Pure* or *Core* Public Authorities (Sunkin 2004; Landau 2007). For other bodies where only some of their functions are of a public nature, these are often referred to as Functional Public Authorities. Thus far, the UK courts have interpreted the HRA so that the Section 6(1) duty must be complied with only where the functions the body performs are public. However, the test of whether or not a body is a *Functional* Public Authority arguably rests on whether or not it takes forward *any* functions of a public nature. Then, what must be determined is whether or not the act being taken forward in a particular case is private (Landau 2007).

In terms of seeking guidance from the HRA about where the SEA Act applies, it would first have to be established whether or not the body in question takes forward any public functions. This is not a simple question. Landau (2007) has observed that recent case law has provided at least three possible approaches to determining what is a function of a public nature.[129] These approaches broadly relate to the nature of the body (and its closeness to Pure Public Authorities) or the function it undertakes.[130] It is clear from this brief analysis that clarification of what a "Scottish public authority" is in all circumstances is not readily

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[126] This is active across the UK although The Scotland Act 1998 affirms the commitment to human rights "A member of the Scottish Executive has no power to make any subordinate legislation, or to do any other act, so far as the legislation or act is incompatible with any of the Convention rights or with Community law" (Section 57(2)).

[127] However the Houses of Parliament are specifically excluded, and acts of a private nature cannot be challenged on Convention grounds even if they are carried out by a public authority.

[128] This has been framed as part of a process of "hollowing out" of the nation state (e.g. Rhodes 1994; Holliday 2000). Recently, The Scottish Information Commissioner who oversees the FOI legislation, has drawn attention to this issue (Scottish Information Commissioner 2007).

[129] The most recent House of Lords case on this issue is of most relevance to this discussion *YL v Birmingham City Council & Ors.*

[130] The institutional-relational, functional, and motivational.

obtainable either via Scottish Statutes, or cases related to the HRA. Despite this, it has a considerable bearing on where SEA should be undertaken as a result of the SEA Act.

Table 6.1 states the number of Responsible Authorities in the categories Scottish Government, Local Authorities, Consultation Authorities, Other public bodies and Private companies that have taken forward SEA of their PPSs (21 Jul 04 – 20 Nov 07). Table 6.1 indicates that in more than a three year time period 277 PPSs entered some part of the Scottish SEA process. Each public body can undertake more than one SEA. Table 6.1 also specifies that 59 public bodies have engaged with some aspect of SEA. All public authorities should pre-screen PPSs with no or minimal environmental effects. In total 40 PPSs have been pre-screened. Unless all public authorities (for example the 399 identified by the Scottish Information Commissioner) were not making PPSs there is a large shortfall in the application of SEA and in particular pre-screening.

Table 6.1 The number of Responsible Authorities taking forward SEA and the number of plans, programmes or strategies they have taken forward (21 Jul 04 – 20 Nov 07). The table notes whether SEAs were voluntary, motivated by the Scottish SEA Regulations or the SEA Act

Responsible Authority (total number in each category in brackets)	*Number of plans, programmes or strategies entering the SEA process*				
	Voluntary	*Scottish SEA Regulations*	*SEA Act*[1]		Total
			Screening, Scoping, ER	Pre-screening	
Scottish Government (1)[2]	-	10	10	2	22
Local Authorities (32)[3]	2	51	117	33	203
Consultation Authorities (3)[4]	3	2	7	1	13
Other public bodies (22)[5]	2	16	16	4	38
Private companies (1)	-	1	-	-	1
Total (59)	7	80	150	40	277

[1] Where SEA was motivated by the SEA Act those entering the process at "Screening, Scoping and Environmental report (ER)" stages are differentiated from those entering at "Pre-screening."
[2] Includes those SEAs taken forward by the Scottish Executive – the Scottish Parliament has not undertaken SEA directly.
[3] Originally defined by Section 2 of the Local Government etc. (Scotland) Act 1994. Therefore the Local Planning Authorities created by the National Parks (Scotland) Act 2000 are not included namely: Cairngorms National Park; and Loch Lomond and the Trossachs National Park.
[4] As identified in the SEA Act, namely Historic Scotland, SNH and SEPA
[5] Public bodies exempting those identified in notes 2, 3 and 4 above.

Additionally, a cursory review of the list of PPSs pre-screened provided by Appendix C indicates some of the PPSs may have significant environmental effects and thus should require an SEA. Those PPS pre-screened out include "corporate procurement strategies that govern millions of pounds of spending" (Carlin 2008, p.6). Scottish Government representatives have stated Responsible Authorities may have to defend their position not to undertake SEA in such circumstances (Carlin 2008), in particular via legal challenges as Section 6.3 discusses further.

Table 6.1 illustrates that the majority of PPSs have been taken forward by Scottish Local Authorities. Table 6.2 states the number of SEAs taken forward by specific Local Authorities (21 Jul 04–20 Nov 07) and whether SEA was motivated by the Scottish SEA

Regulations or the SEA Act. Table 6.2 demonstrates fewer plans have been pre-screened than those that have entered the SEA process and therefore that the pre-screening process is not being routinely used. Thus, to make SEA transparent, information would be required about all PPS pre-screened out, all PPSs entering SEA *and* all the PPSs that were being taken forward by public bodies.

Table 6.2 The number of SEAs taken forward by Local Authorities in Scotland and whether they were motivated by the Scottish SEA Regulations or the SEA Act (21 Jul 04 – 20 Nov 07)

Local Authority	*Number of plans, programmes or strategies entering the SEA process*				
	Voluntary	*Scottish SEA Regulations*	*SEA Act*[1]		*Total*
			Screening, Scoping, ER	*Pre-screened*	
Aberdeen City Council	-	3	7	-	10
Aberdeenshire Council	-	4	6	3	13
Angus Council	-	-	2	2	4
Argyll and Bute Council	-	2	-	-	2
City of Edinburgh Council	-	6	8	1	15
Clackmannanshire Council	-	1	5	-	6
Comhairle nan Eilean Siar	-	3	-	-	3
Dumfries and Galloway Council	-	-	1	6	7
Dundee City Council	-	-	3	-	3
East Ayrshire Council	-	1	6	1	8
East Dunbartonshire Council	-	1	3	4	8
East Lothian District Council	-	-	7	-	7
East Renfrewshire Council	-	1	2	-	3
Falkirk Council	1	1	4	2	8
Fife Council	-	4	4	1	9
Glasgow City Council	-	1	3	-	4
Highland Council	1	5	3	1	10
Inverclyde Council	-	-	3	-	3
Midlothian Council	-	2	3	2	7
Moray Council	-	1	2	-	3
North Ayrshire Council	-	2	4	-	6
North Lanarkshire Council	-	1	1	-	2
Orkney Islands Council	-	1	8	-	9
Perth and Kinross Council	-	4	13	-	17
Renfrewshire Council	-	-	3	-	3
Scottish Borders Council	-	1	2	3	6
Shetland Islands Council	-	-	1	-	1
South Ayrshire Council	-	1	2	2	5
South Lanarkshire Council	-	1	3	-	4
Stirling Council	-	2	-	2	4
West Dunbartonshire Council	-	1	4	2	7
West Lothian Council	-	1	4	1	6
Total	2	51	117	33	203

[1] Where SEA was motivated by the SEA Act those entering the process at "Screening, Scoping and Environmental report (ER)" stages are differentiated from those entering at "Pre-screening."

The practicalities of fully complying with the SEA Act can be considered by reviewing the output from one Local Authority. Perth & Kinross Council has undertaken the most SEA within the time period (17) but has not pre-screened any PPSs out of SEA. Representatives of this Council identified that they produce 78 PPSs. Of these, 27 PPSs would need a full

SEA; another 30 were "possible", with 21 "unlikely" PPSs (Local Authority Representative, pers. comm.., 12 Nov 07). PPSs are not necessarily updated yearly so annualising this figure would lead to a need for fewer SEAs. However, from the 17 that have been undertaken (Table 6.2) this still leaves a shortfall of 61 PPSs. The implications of having to SEA all PPSs has lead Perth & Kinross Council representatives to question whether "the Council is producing too many PPSs?" (Esson and Duffy 2008, p.9)

The SEA Act requires information about PPSs pre-screened out of SEA to be made available. To make the system established by the SEA Act more transparent, assuming full compliance with the SEA Act, information about all the PPSs entering the SEA process would also be required. However, arguably there has not been full compliance with the SEA Act. Thus to make the application of SEA transparent also requires information about all the PPSs being taken forward by public bodies. To source this information what "a Scottish public authority" is must be determined – this is equivocal. The next section reviews the SEA Gateway's record keeping, examining what information, beyond pre-screening, it provided.

6.1.2 The SEA Gateway's record keeping

The SEA Act requires that the SEA Gateway (on behalf of the Scottish Ministers) is obliged to make information about pre-screening publicly available. However, to enable SEAs to be tracked, PPSs pre-screened must be set in context of all SEAs undertaken *and* all the public PPSs being produced in Scotland. Information was requested for this thesis from the SEA Gateway, in particular, on 20 Nov 07 a request was made for all of the post adoption statements held. Availability of a post adoption statement indicates that the PPS has gone through the full SEA process and been adopted. Chapter 3, Table 3.2, indicated that the SEA Gateway provided post adoption statements for only 16 out of 79 SEAs that had been put out to public consultation. There are two possible reasons for the discrepancy between those adopted and those consulted upon:

- The post adoption statement was received by the SEA Gateway but not retrieved as a result of the request for information;
- The Responsible Authority had not sent an electronic copy of a post adoption statement to the SEA Gateway because either: a) they made a web link to one in an email to the SEA Gateway; b) they forgot; c) the SEA had not reached this stage; d) the PPS was discontinued.

For the SEA Gateway to support "transparent" processes required that it retrieved all relevant post adoption statements as a result of the information request. To investigate whether or not post adoption statements had been retrieved, the information provided by the Gateway was compared with SEPAs records. SEPA must be sent Post Adoption Statements but are not required to comment on or archive them. Figure 6.1 shows the outcome of a search of files – five additional post adoption statements were available from SEPAs records beyond those supplied by the SEA Gateway. Two of these documents stated they were 'post adoption statements' and another three were incorporated into updates to SEA environmental reports.

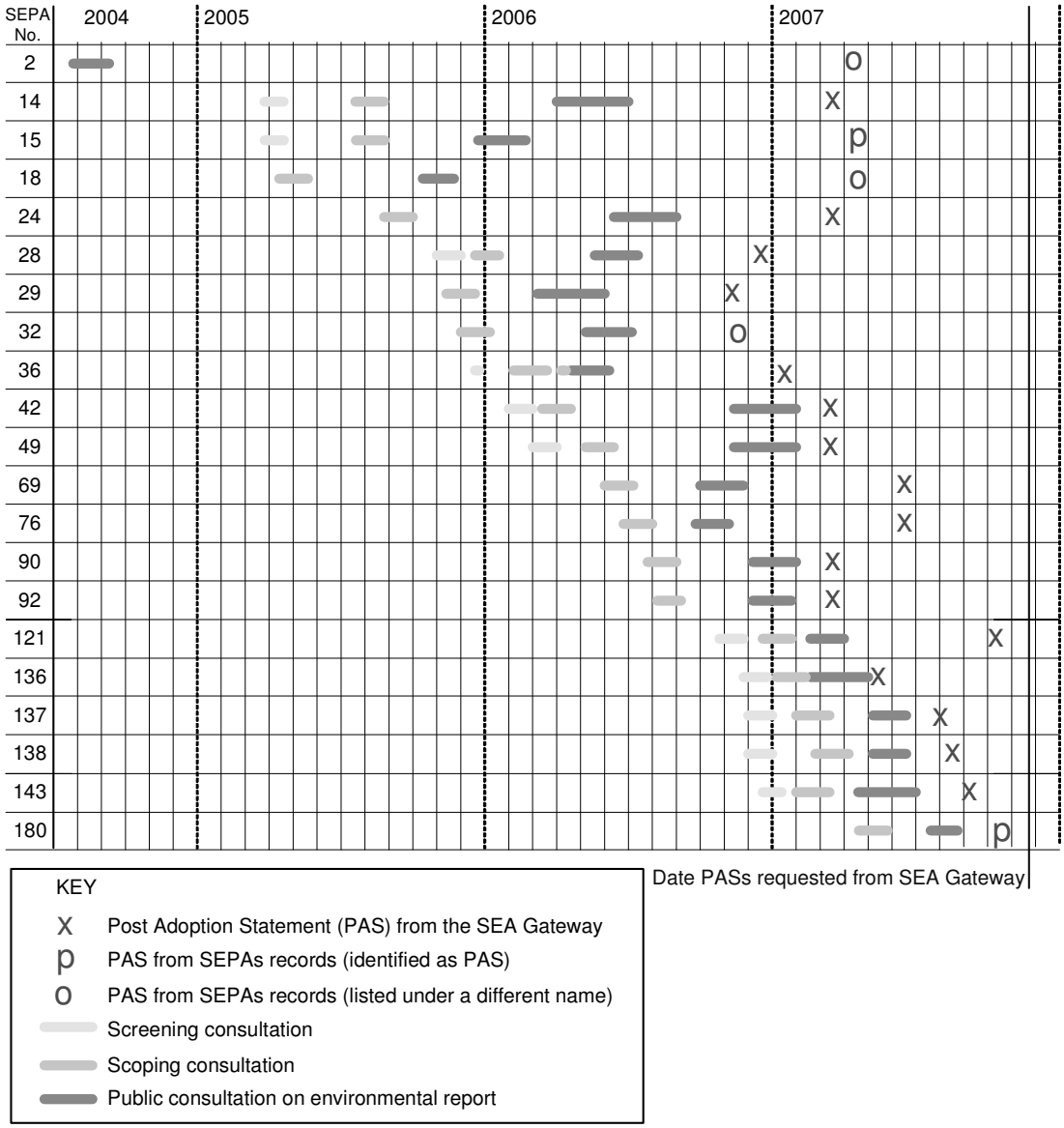

Figure 6.1 A comparison of post adoption statements derived from the SEA Gateway and SEPAs records (21 Jul 04 – 20 Nov 07). Appendix I provides a timeline of SEA Document availability from which this figure was derived.

Thus post adoption statements were being sent to the SEA Gateway, but documents were archived in a way that made them inaccessible to the SEA Gateway staff. However, confusion about the number of post adoption statements may have arisen because they were listed under names other than post adoption statement. The title post adoption statement is not required by the Scottish SEA Regulations and SEA Act. But, this title is used within guidance and suggested for use by the Scottish SEA Templates (Scottish Executive 2006e). Several Responsible Authorities initially prepared a 'draft' (SEPA No.2, 18, 32, 55 and 78) or 'interim' (SEPA No. 105) environmental report, in some cases such drafts were then updated to reflect the comments made during the consultation. In two cases it was explicitly stated that the SEA environmental report was 'updated to include the SEA Adoption Statement' (SEPA No.32 and 90). Use of different names indicates there has been difficulty interpreting the SEA Regulation and the SEA Act, in this case caused by the Act clashing with procedures in other legislation.

In all but one of these cases (SEPA No. 32) this difficulty arises in PPSs related to the Sector 'Planning'. Table 4.2 indicated the types of PPSs where SEA has been applied that have gone through public consultation, differentiating between those where the SEA Gateway made post adoption statements available and others. Table 4.2 lists that the highest number, 23 (of 78), were in the sector planning. Table 6.3 shows the type of PPS that have gone through consultation, 21 Jul 04–20 Nov 07, in the sector planning split by whether they were Voluntary, driven by the Scottish SEA Regulations and the SEA Act. The plans reflect the then two-tier nature of the Scottish planning system, where structure plans governed the content of local plans, which then in turn informed frameworks and masterplans (SEDD 2002). Subsequently, as a result of the Planning etc. (Scotland) Act 2006 reforms, there has been a shift to a predominantly single tier system of local development plans for all of Scotland, but, with strategic development plans as a second tier for the four largest areas.

The references to draft or interim reports reflect attempts to fit SEA into existing planning processes. The Town and Country Planning (Scotland) Act 1997 drives Structure Plan and Local Plan procedures in this time period (21 Jul 04–20 Nov 07). Table 6.3 clearly shows that almost half of the PPSs in this sector (12 of 23) are Local Plans. Public consultation on the Local Plan is carried out in advance of it being adopted by the planning authority. Representations from public consultation and how these have been dealt with are presented to relevant committees prior to the approval of the plan (s.17).

Table 6.3 Planning sector plans, programmes and strategies where SEA environmental reports have gone through public consultation (21 Jul 04 – 20 Nov 07)

Type of plan, programme or strategy	*Geographic Area*	*Number of plans, programmes or strategies where the SEA report has gone through consultation (brackets indicate the number where the SEA Gateway made post adoption statements available)*			
		Voluntary	*Scottish SEA Regulations*	*Scottish SEA Act*	*Total*
Structure Plan Alteration*	Regional	-	1	1	2
Local Plan*	Local	1	11	-	12
Local Plan Alteration*	Local	-	1	-	1
Supplementary Planning Guidance	Local	-	1	-	1
Development Programme	National	-	1	-	1
Development Plan	Small area	-	1	-	1
Community Plan	Local	-	-	1	1
Development Framework	Small area	-	1	-	1
Framework Review	Small area	-	1	-	1
Masterplan	Small area	-	1 (1)	1	2(1)
Total	-	1	19 (1)	3	23 (1)

* Many of the plans in the Sector planning are driven by statute. For example those plans identified were governed by The Town and Country Planning (Scotland) Act 1997.

The SEA environmental report (SEA Act, s.16(2); Scottish SEA Regulations, s.18(3)) is accompanied by the draft plan and recent case law indicates that the consultation should be undertaken at the same time. The post adoption statement is then required to show how the "opinions expressed in response [to consultation on the SEA] have been taken into account" (SEA Act, s.18(3)(c); Scottish SEA Regulations, s.20(3)(c)). To report the outcomes from consultation on the plan and SEA together, requires preparing the post adoption statement prior to the plan being adopted. This explains why environmental reports have been "updated" with information from the consultation. This disjunction between the local plan process and SEA is most evident in the case of South Lanarkshire Council's Local Plan (SEPA No.18) where a pre-adoptive, rather than post adoption statement, was prepared.

This ill-fit is likely to continue with the Planning etc (Scotland) Act 2006 which aims to streamline planning in Scotland, whilst simultaneously enhancing public participation.[131] The conurbations of Edinburgh, Glasgow, Dundee and Aberdeen retain the two tier system of planning. In all other areas structure plans are abolished, to be replaced with a single tier local development plan. In the new local development plan, a main issues report must be prepared in advance of the local development plan which is then Local Authority policy. The issues includes "general proposals by the authority for development in their district and in particular proposals as regards where the development should be carried

[131] Poustie (2006) provides an analysis of the reforms focusing on "measures designed to enhance public participation and public confidence in the system" (Poustie 2006, p.489).

out" (s.17(2)(a)) together with "a reasonable alternative (or reasonable alternatives)" (s.17 (2)(b)).

SEA is required to consider "reasonable alternatives" to the PPS (SEA Directive, Art. 5, Art. 9(b)). Thus, in the case of the development plans, proper public consultation on the environmental impacts of the alternatives would require the SEA to be undertaken of the issues report. Indeed literature suggests that to have the greatest impact, SEA should start from the inception of the PPS (Thérivel 2004) – this is also supported by recent case law.[132] However, the difficulty of undertaking an SEA of an issues report, effectively a series of consultation questions, has led to suggestions that SEA creates a need for an issues report to take the form of the plan (Local Authority Representatives, pers. comm., 10 Sep 07; 16 Nov 09).[133]

The SEA Gateway staff did not retrieve all available post adoption statements, however, there were another 58 PPSs where environmental reports had gone through consultation but no post adoption statement was available from SEPAs records. In many cases, the Responsible Authority had not produced a post adoption statement because they had not reached this stage in their PPS. The suspension or delay of the adoption of PPSs can be linked in part to the long time frames associated with planning. Figure 6.3 illustrates that the SEA process of some adopted plans in this sample has taken up to two years.

However, delays in adoption also link to the Scottish Parliament and Local elections in Scotland on 3rd May 2007. These elections resulted in a change in administration, with the Scottish Labour and Scottish Liberal Democrat coalition being replaced by the minority Scottish National Party (SNP) Government (Herbert *et al* 2007). Political changes were also apparent at the local authority level (TEC 2007). As a direct result of the May 2007 elections the approval of the seven Regional Transport Strategies[134] was delayed, the strategies were later altered (Appendix B, SEPA No. 45, 77, 80, 81, 112, 115 and 119).

Table 4.2 indicated the types of PPSs where SEA has been applied that have gone through public consultation, differentiating between those where the SEA Gateway supplied post adoption statements in response to the 20 Nov 07 request and others. Table 4.2 shows that the second highest figure 22 (of 78) were in the transport sector. Table 6.4 lists the type of transport sector PPS that have gone through consultation, 21 Jul 04 – 20 Nov 07, split by the Scottish SEA Regulations and the SEA Act.

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[132] Seaport Investments Ltd's Application for Judicial Review, Re (Seaport Investments) [2007] NIQB 62

[133] There is a similar conflict between the Planning etc. (Scotland) Act and the requirements of the regulations driven by the Habitats Directive.

[134] As a result of the requirements of the Transport (Scotland) Act 2005.

Table 6.4 Transport sector plans, programmes and strategies where SEA environmental reports have gone through public consultation (21 Jul 04 – 20 Nov 07)

Type of plan, programme or strategy	*Geographic area*	*Number of plans, programmes or strategies where the SEA report has gone through consultation (brackets indicate the number where the SEA Gateway made post adoption statements available)*			
		Voluntary	*Scottish SEA Regulations*	*Scottish SEA Act*	*Total*
National Transport Strategy	National	-	1(1)	-	1(1)
Scotland's Railways	National	1	-	-	1
Regional Transport Strategy	Regional	-	4	3	7
Local Transport Strategy	Local	-	5(2)	5(2)	10(4)
Connectivity Study	Local		-	1	1
Masterplan	Small area	-	1	-	1
Replacement crossing	Small area	-	-	1	1
Total	-	1	11(3)	10(2)	22(5)

The Transport (Scotland) Act 2005 gave funding for and control of Regional Transport Strategies to Regional Transport Partnerships. These Partnerships included members of the Local Authorities within their jurisdiction, as shown by Figure 6.2. All the Partnerships had submitted their Strategies by 31st March 2007 as required by the Act (Scottish Executive 2006d), with an outcome due by June or July 2007. However, the election of the minority SNP administration in May 2007 resulted in a reorganisation of Scottish Executive activities and the name change to Scottish Government.

Now, rather than funding being provided via Regional Transport Partnerships, the Scottish Government supplied un-ring fenced funding direct to the Local Authorities, as part of their new Single Outcome Agreements (Scottish Government and CoSLA 2007). In January 2008, John Swinney, the Cabinet Secretary for Finance and Sustainable Growth,[135] sent a letter to all seven Regional Transport Partnerships indicating that the Scottish Government was broadly in support of their work but that the "current draft strategies…contain interventions which…would be best addressed in delivery of plans" (Swinney 2008a; 2008b; 2008c; 2008d; 2008e; 2008f; 2008g). In April 2008, the strategies were then re-submitted minus the list of interventions and were subsequently approved. Despite these changes the SEAs were not updated (e.g. tactran 2010).

[135] Rather than Minister for Transport, Infrastructure, and Climate Change, Stewart Stevenson.

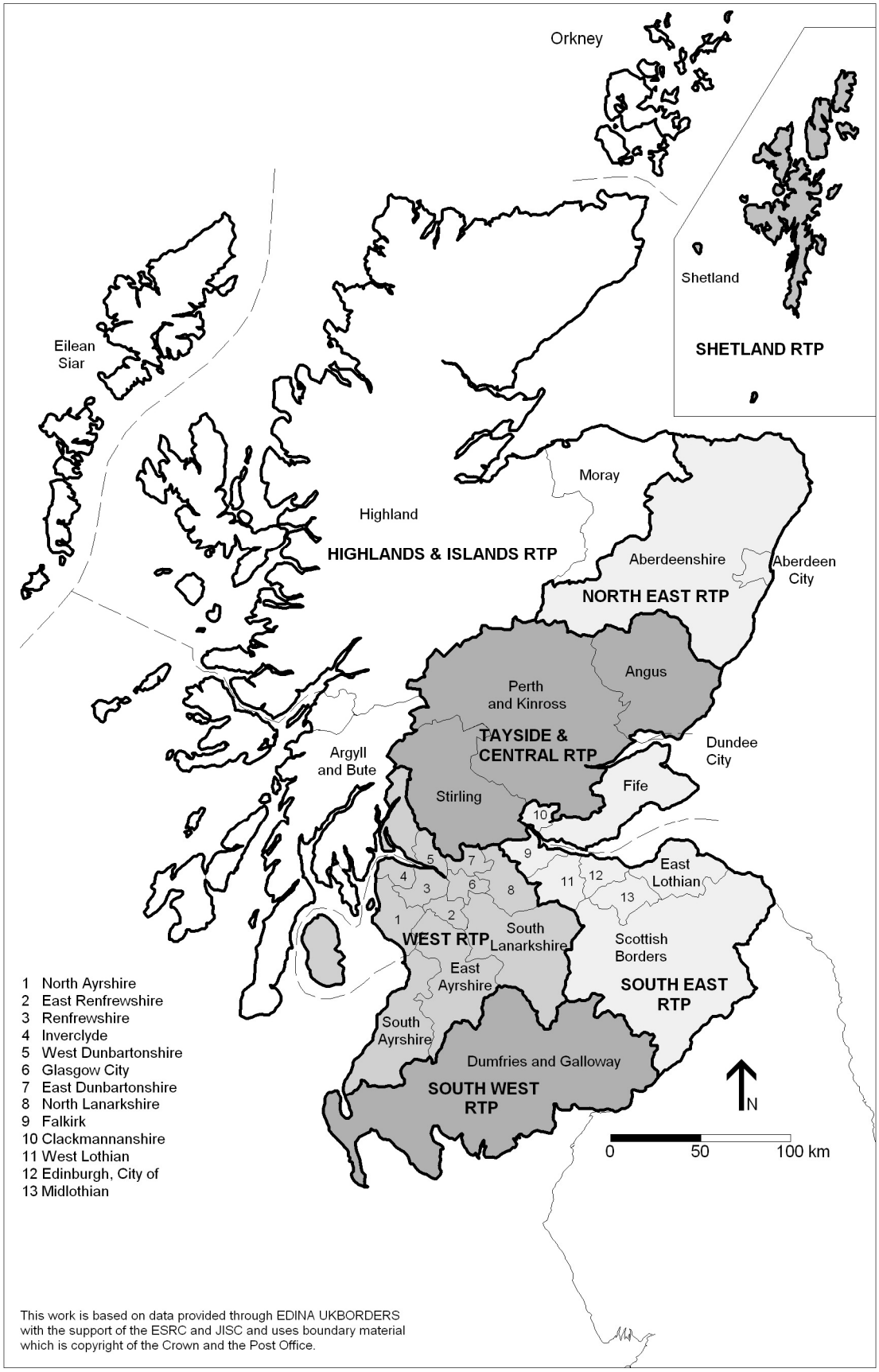

Figure 6.2 Map of Scotland illustrating the boundaries of Regional Transport Partnerships compared with the Local Government areas covered by Local Transport Strategies

Therefore SEA legislation interacts with and can conflict with procedures in other legislation. Changes in governance also impact on the outcomes from the SEA legislation, including altering funding structures. Altered funding structures modify the relative importance of plans in the hierarchy. In the case of the Scottish transport sector, funding originally supplied at the regional level, was shifted to the local level, inflating the importance of local transport strategies. Although procedures were in place to promote transparency, determining why such a small number of SEAs had reached the Post Adoption Stage would require a great deal of further investigation. Who gets involved in SEA procedures, together with why they do so, is now reviewed.

6.2 Public participation in SEA

Consultation on the environmental report is the only legislative requirement to directly involve the public in SEA. This goes against the perceived best practice in the field. For example Thérivel argues that "The most important aspects of public participation and the involvement of experts should have already taken place during the SEA process" (Thérivel 2004, p.178). Consultation on the SEA environmental report "will have a limited effect at best in improving the [PPS]" (Thérivel 2004, p.178). However, who responds to consultation and what they say is important to environmental justice as a policy objective. It indicates who has chosen to be recognised as a voice within the SEA process and whether or how people use the SEA process to profile the distributive aspects of environmental justice.

To find out whether particular organisations or individuals routinely participated in SEA and whether participation was used to profile topics linked to environmental justice, environmental reports and post adoption statements from the SEAs of the 16 PPSs where post adoption statements were retrieved from the SEA Gateway (see Chapter 3) were reviewed. This parallels Bell's (2008) study which found a "low rate of response to public consultations on SEA, despite the fact that the consultation methods employed tended to exceed the requirements of the legislation" (Bell 2008, p.ii). This also concurs with evidence from a review of involvement with sustainability appraisal (Thérivel and Minas 2002) and a UK review of the SEA Directive "one year on" (Thérivel and Walsh 2006).

Table 6.5 shows the number of responses and who responded to consultation on SEA environmental reports from the sample of 16 PPSs. The table distinguishes between the comments made by the experts required to be consulted at the screening and scoping stages (Consultation Authorities), those provided by groups or organisations, and public comments coming from individuals who were not representing a defined group or organisation (these

people were the subject of Bell's (2008) study). The number of responses from individuals is small and includes elected officials – people with a clear interest in local politics[136].

Table 6.5 Responses to public consultation on the SEA environmental reports from the sample of 16 plans, programmes and strategies (21 July 04 – 20 Nov 07)

SEPA No.	Plans, programmes or strategy name	Geog. Area	Responses to public consultation on the SEA environmental report								
			HS	SEPA	SNH	RSPB	SDC	ABD	Gps	Indiv	Total
14	Cairngorms National Park Plan	Regional	1	1	1	1	-	1	7	1	13
24	Aberdeenshire Local Transport Strategy	Local	1	1	1	-	-	-	1	-	4
28	National Transport Strategy	National	1	1	1	1	-	1	7	-	12
29	Scottish Forestry Strategy	National	1	1	1	-	-	-	12	5	20
36	Caltongate Masterplan	Small area	1	1	-	-	-	-	2	1	5
42	Highlands and Islands ERDF Operational Programme 2007-2013	Regional	1	1	1	1	-	-	-	21	25
49	Lowlands and Uplands ERDF Operational Programme 2007-2013	Regional	1	1	1	-	-	-	1	101	105
69	Glasgow Local Transport Strategy	Local	1	1	1	-	-	-	2	1	6
76	Midlothian Local Transport Strategy	Local	1	1	1	-	-	-	-	-	3
90	Scottish Enterprise Operating Plan	National	1	1	1	1	1	-	-	1	6
92	Operational Plan 2007-2010	Regional	-	1	1	-	1	-	-	1	4
121	Community Plan for Orkney	Local	1	1	1	-	-	-	-	-	3
136	Orkney Local Transport Strategy	Local	1	1	1	-	-	-	-	-	3
137	Pitlochry Conservation Area Appraisal	Small area	1	1	1	-	-	-	1	1	5
138	Corporate Plan 2007-2010	National	1	1	1	-	1	-	2	4	10
143	Coupar Angus Conservation Area Appraisal	Small area	1	1	1	-	-	-	2	-	5
Total			15	16	15	4	3	2	37	137	229

KEY

ABD	Aberdeenshire Council
Gps	Public bodies and NGO's that responded beyond those listed above
HS	Historic Scotland (representing the Scottish Minister)
Indiv	Individual members of the public
RSPB	Royal Society for the Protection of Birds
SDC	Sustainable Development Commission for Scotland
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage

Table 6.5 demonstrates that a comparatively higher number of responses were received for national and regional PPSs than those at the local or small area level. A particularly high number of responses were received for two programmes – SEPA No.42 and 49. These responses were largely prompted by a general consultation question: "*What are your views on how the principle of environmental sustainability has been integrated into the Operational Programmes?*", (Ecodyn Limited 2007b, p.11; 2007c, p.11). In this case "respondents concentrated on answering [the question] despite the consultation containing sections for comments. Very little in the way of additional explanation was offered" (Ecodyn Limited 2007b, p.11; 2007c, p.11).

Literature had already identified that groups and organisations are likely to be 'over-represented' in participative processes driven by the Aarhus Convention (Lee and Abbott 2003). This reflects the fact that despite three decades of public participation in planning,

[136] For example correcting errors in the information in the reports (Perth & Kinross Council 2007).

professional planners, statutory consultees and special interest groups still dominate (Davis 2001; Jenkins *et al* 2002; Burbridge 2006). Few groups or organisations got involved – but particular organisations did routinely respond. Table 6.2 indicates responses were routinely received from the Consultation Authorities – SEPA, SNH and Historic Scotland. In four of 16 cases *only* the Consultation Authorities responded.

The Consultation Authorities must respond at screening and scoping but do not have to comment on the environmental report. However, a draft information note on their role indicates they will respond (Historic Scotland 2005). The Consultation Authority responses did not directly promote environmental justice – as Section 2.2 identified they had no direct duty to do so. The templates for the post adoption statements prepared by the Scottish Executive indicated that Consultation Authorities responses should be responded to first and are separated from others (Scottish Executive 2006e). Evidence from interviews and events suggests that these responses would be valued highly; acting as a validation or 'grading' on the final environmental report (Local Authority Representative, pers. comm., 6 Mar 08). Thus the Consultation Authorities' expertise is prioritised in relation to other responses.

During the development of Scottish SEA there was a lot of activity in support of broadening Scottish SEA to virtually all plans, programmes and strategies and, in particular, by environmental NGOs represented by Scottish Environment Link. However, despite NGO's being aware of the need for SEA[137] their involvement declined since the SEA Act was passed. The RSPB was heavily involved in promoting SEA in Scotland – influencing the Partnership Agreement commitment to extend SEA (Box 2.1) which fuelled the SEA Act. The RSPB is the only one of Scottish Environment Link's 34 environmental organisations to respond to consultations on the SEA reports, listed in Table 6.5. In two of these cases the environmental reports identify the RSPB were also stakeholders in the SEA (PPS 42 and 90). Future research could usefully review the involvement of other environmental NGOs in general planning consultations.

Arguably, the Scottish Regulations and the SEA Act provided the Government and public authorities with the potential to promote environmental justice. This potential could be reinforced via opportunities for public participation – as the FoE Report (Walker *et al* 2005) suggested (Section 2.1.2). However, the RSPB has no remit to promote environmental justice. Together with the RSPB, FoES were greatly involved in the development of the SEA Act. At this time FoES emphasised the need for SEA to take account of issues related to environmental justice in consultations. "Full consideration [should be] given to human health

[137] This is evidenced by SEA training being undertaken by members of the organisations that Scottish Environment Link represents. Dr Elsa João ran a training course for 24 people representing Scottish Environment Link and 12 other organisations associated with Scottish Environment Link on 29 Nov 06.

and *distributive effects*" (FoES 2004). This emphasis reflected that, until 2007, all FoES campaign activity was under the banner of environmental justice. FoES have not responded to consultations on environmental reports and have had limited engagement with SEA since the SEA Act was passed (FoES representative, pers. comm., 15 Aug 07). Thus FoES are not using the SEA process to promote environmental justice.

However, SEAs could still be used to prompt consideration of environmental justice (Walker *et al* 2005; Walker 2007) because Responsible Authorities are free to consult with other bodies. Guidance indicates consultations are targeted at equalities groups (Scottish Executive 2006e). The 16 SEA environmental reports and post adoption statements provided no evidence that this had been done. Health organisations are the most likely to promote consideration of 'distributive' environmental justice (Douglas *et al* 2005; Higgins *et al* 2005). In this sample no health organisations have been involved in the consultations on SEA Reports.

Despite each post adoption statement presenting consultation comments differently, regularities in responses are still evident. The Sustainable Development Commission for Scotland (SDCS) twice commented that the process of sustainability appraisal is preferable to SEA (PPS 92, 138) because it "allows economic, social and environmental impacts to be considered together" (Ecodyn Limited 2007a). The other response appeared to provide an edited version of this text (Fraser Associates 2007). This is another source of pressure, beyond those identified in Section 4.1.3, for responsible authorities to include social and economic information in environmental reports. In both cases, this was within plans that assessed social and economic factors (identified using Box 3.2 and Box 3.3 categorisations).

Evidence from the 16 environmental reports suggest a small number of groups and organisations were involved in SEA but that they were still 'over-represented' in relation to individuals. No organisations directly or indirectly promoted environmental justice through the SEA consultation process as the FoE Report suggested they could (Walker *et al* 2005). Thus, there is no indication that broadening SEA to "all plans, programmes and strategies" would have bolstered the policy objective environmental justice. Further, there is a limited number of consultees available to comment on the reports. Rather than engaging in public participation via procedures set out within environmental assessment legislation, Holder (2004) identified that people can use environmental assessment as a protest strategy to launch legal challenges against development. The next section reviews the outcomes and implications of legal challenge to SEA procedures.

6.3 Legal challenge to SEA procedures

There is one further opportunity to ensure that procedures are followed beyond those discussed in Sections 6.1 and 6.2 that necessitates participation. People can also challenge SEA procedures using judicial review. This Section reviews legal challenges related to the SEA Directive and the debate about legal challenge on SEA in Scotland, examining their outcomes and how this reflects on environmental justice as a policy objective. There have been no legal challenges to SEA procedures in Scotland to date. However, SEA has been debated in relation to potential challenges within the press ("FOCUS" 2007; Dickinson 2007), public inquiries (Scottish and Southern Energy 2009), committee's of the Scottish Parliament (Scottish Parliament 2007) and SEA events (Table 2.3, events on 9 Jun 06 and 14, 21 and 28 May 08).

Section 2.2.1 identified that "the public" within SEA is broadly defined. However, it does not follow that such a broad category can bring a petition for judicial review. In Scotland, a petition for judicial review requires the petitioner to have both "title"[138] and "interest" to sue, this is referred to as 'standing.' A petitioner may have "title" to sue but not "interest" and vice versa "Petitioners…working to pursue the interests" of groups may not have direct "interest"[139] requiring that an affected person be found to make a claim or no claim be made. By contrast in England the test is of "sufficient interest" and it is claimed that the Scots test "prevents bodies, such as campaigning groups, from bringing petitions in the public interest which could usefully test the legality of controversial policies or decisions" (Blair and Martin 2005, p.175).[140] In a recent report on reform of the Civil Court System (Gill 2009), Lord Gill advocated the test is replaced with that of "sufficient interest". Gill (2009, pp.25-29[30-34]) provides a comprehensive discussion of this topic.

Other factors limit the likelihood of any challenges being made. To challenge SEA an individual or organisation must be aware of the SEA and have funds to cover the cost of a challenge (although some funds may be recovered in the event of success) and thus some reason to be interested in the SEA or the PPS. Judicial Review is expensive. A series of legal reports have confirmed that in England and Wales compliance with the "access to justice" provisions of the Aarhus Convention will be compromised by the cost of taking actions to

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[138] "he [*SIC*] must be a party (using the word in its widest sense) to some legal relationship which gives him [*SIC*] some right which the person against whom he [*SIC*] raises the action either infringes or denies" D & J Nicol v Trustees of the Harbour of Dundee Harbour 1915 SC 9HL.

[139] Scottish People's Welfare Council 1987 SLT 179 at 186

[140] It is claimed that "Greenpeace went south to challenge the ministerial approval to dispose of the Brent Spar platform in Scottish waters on the basis of the opinions from Scottish Queen's Counsel on the problems that Greenpeace would have in showing standing in Scotland (*R v Secretary of State for the Environment Ex p Greenpeace*, QBD, 24 May 1995, unreported)" (Blair and Martin 2005, p.176). Also see Poustie 1995.

court (WGAEJ 2008, p.6 provides a summary). Despite the category of "the public" being defined broadly, the restrictions on standing and the cost of taking action decreases the likelihood of challenges.

Where national laws are driven by an EU Directive, the case law relating to implementation of EU Directives is relevant to any future challenge and can influence practice motivated by the Directive. Thus, despite no legal challenges to SEA in Scotland, challenges on the SEA Directive and regulations derived from the SEA Directive can influence Scottish SEA practice. Table 6.6 provides an outline of legal challenges on the SEA Directive and subsequent SEA Regulations indicating aspects of the individual challenge that relate to SEA and whether these challenges were upheld. In all but one case (*Seaport Investments*), the challenge was made on the basis of the SEA Directive and legislation driven by the SEA Directive *and* procedures contained in other legislation. Table 6.6 summarises the information relevant to the SEA Directive.

Table 6.6 lists the legal challenges involving SEA that have been mounted on the basis of procedural errors in the transposition of the SEA Directive into national laws,[141] procedural errors in carrying out an SEA[142] and carrying out no SEA where one is required i.e. the lack of an SEA.[143] The lack of an SEA prevented the consideration of reasonable alternatives to the plan or programme as required by the SEA Directive[144]; also at issue was the definition of "plans and programmes".[145] This reflects litigation on the EIA Directive that the two main "mistakes" likely to lead to legal challenge on SEA would be formal or procedural errors when carrying out an SEA[146] or the lack of an SEA (Burbridge 2006, p.70).

The lack of an SEA can invalidate the plan, programme or strategy.[147] A project, requiring development consent, could then be "ambushed" by "the failure to SEA a higher order plan or by a successful challenge to the SEA of a higher order plan" (Gilder 2005, p.124). The SEA Act broadened the procedural requirements of the SEA Directive to a wider range of plans and programmes. As Section 6.1.1 found, Scotland's public sector has not fully complied with the SEA Act, and therefore there is arguably potential for many legal challenges because of the lack of an SEA. However, the SEA Directive's requirements are irrelevant where SEA is solely required by the SEA Act. There may, however, be incidences where it is not clear whether or not the SEA Act or the SEA Directive applies.

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[141] Seaport Investments Ltd's Application for Judicial Review, Re [2007] NIQB 62; [2008] Env.L.R. 23.
[142] Seaport Investments Ltd's Application for Judicial Review, Re [2007] NIQB 62; [2008] Env.L.R. 23.
[143] R. (on the application of Bard Campaign) v Secretary of State for Communities and Local Government; R. (on the application of Howsmoor Developments Ltd) v South Gloucestershire CC
[144] City and District Council of St. Albans v Secretary of State for Communities and Local Government Hertfordshire CC v Secretary of State for Communities and Local Government
[145] Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (C127/02); R. (on the application of Bard Campaign) v Secretary of State for Communities and Local Government
[146] R v St Edmundsbury Borough Council, ex parte Walton [1999] Env LR 879.
[147] R (Goodman) v London Borough of Lewisham (Big Yellow) [2003] Env LR 28.

Table 6.6 Legal challenges on the SEA Directive and subsequent SEA Regulations. The table solely provides information about the aspects of the challenge that relate to SEA and whether these challenges were upheld.

Case date	*Case name*	*Court*	*Outline of the basis of the challenge and what was upheld by the judgement*
7 Sep 04	Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (C127/02)	European Court of Justice	At issue was the definition of a "plan" or "project" to stem from the habitats directive – reference was made to the SEA Directives definition of "plan" or "programme". In this case the definition given in the habitats directive made "no difference as regards the legal consequences" and was therefore left "open".
06 Dec 06	Marangopoulos Foundation for Human Rights (MFHR) v Greece (30/2005)	European Court of Human Rights	Prior assessment based on legal instruments including 2001/42 EC.
07 Sep 07	Seaport Investments Ltd's Application for Judicial Review, Re (*Seaport investments*)	Re Queen's Bench Division (Northern Ireland)	Application granted. (1) By the terms of the SEA Directive there should be a separation between the responsible authority and the consultation body (2) Member States must set the appropriate timeframes for consultation and not to pass to a public authority the responsibility for setting timeframes from case to case. (3) There had not been substantial compliance with the requirements of the NI SEA Regulations sch.2. Parts of para.2, para.3, para.4, para.6 and para.8 had not been addressed and there was an inadequate non-technical summary for the purposes of para.10. (4) The sequencing of the environmental reports and the draft plans were not in compliance with NI SEA Regulations reg.11 and reg.12 or with art.4 and art.6 of the SEA Directive.
19 Feb 08	R. (on the application of Howsmoor Developments Ltd) v South Gloucestershire CC	Queen's Bench Division (Administrative Court)	Application refused. H contended that the SEA contained within the sustainability appraisal (SA) in the brief did not comply with government guidance on the SA and SEA. However the local plan was not adopted at the time when the SEA Directive was in force. H's argument that the local authority was obliged to carry out an assessment by reference to each of the sub-paragraphs of Annex 1 of the Directive was unsustainable. It ignored the terms of the Directive and amounted to an attempt to give the Directive retrospective effect.
28 Feb 08	Abraham v Region Wallonne (C-2/07)	European Court of Justice (Second Chamber)	Not held. Belgium, SAB and TNT put forward the argument that the possible applicability of Directive 2001/42 ratione materiae precludes the application of the EIA directive to the agreement.
27 Jan 09	R. (on the application of Bard Campaign) v Secretary of State for Communities and Local Government	Queen's Bench Division (Administrative Court)	Application refused. Under the SEA Directive the need for SEA arises when what was under consideration was a plan or programme. The concept of eco towns had been proposed but not a shortlist of sites for the towns. The need for SEA would not arise earlier than the shortlisting stage.
25 Feb 09	Bard Campaign v Secretary of State for Communities and Local Government	Queen's Bench Division (Administrative Court)	As above 27 Jan 09.
20 May 09	City and District Council of St. Albans v Secretary of State for Communities and Local Government Hertfordshire CC v Secretary of State for Communities and Local Government	Queen's Bench Division (Administrative Court)	Application granted. Contrary to the SEA Directive and UK SEA Regulations no proper environmental assessments had been carried out before the revision to the plan had been adopted. Reasonable alternatives to development as required by Article 5 of the SEA Directive and Reg.12 of the UK Regulations had not been identified or examined.
20 Oct 09	R. (on the application of Boggis) v Natural England	Court of Appeal (Civil Division)	At issue was the definition of a "plan" or "project" to stem from the habitats directive. Reference was made to *Landelijke Vereniging tot Behoud van de Waddenzee* above.

Note: R is the "abbreviation for rex or regina, 'king' or 'queen'. The initial letter is used in proceedings, especially English criminal proceedings, to indicate that the Crown is the plaintiff or, more usually, prosecutor" (Stewart 2006).

Litigation derived from the EIA Directive, employed in SEA cases, indicated that the lack of an environmental assessment is problematic, in part, due to the inability of the public to "express its opinion on the environmental issues."[148] Holder states "the key function of the environmental assessment process is… ensuring adequate public participation" (2004, p.2). Section 6.2 established that Scottish SEA consultation, reflecting outcomes from SEA more generally, has attracted a "very unrepresentative and limited group of people" (Thérivel 2004, p.72). Thus who has chosen to be recognised as a voice within the SEA process and how their interests' link to environmental justice as a policy objective must be examined.

Table 6.6 shows that in the UK, Judicial Review on the SEA Directive has been undertaken by City and District Councils, a campaign organisation (*Bard Campaign*) and development companies in conjunction with district councils (*Seaport Investments*). All of the challenges have been made on land use development plans, where challenges would result in the plans being delayed or halted. Where procedural challenge is undertaken on the basis of lack of an SEA – in an attempt to halt a plan – removing the plan can interfere with development control for the area of the plan. The implications of the Seaport Investments' case, the widest reaching in terms of influencing development control, are now examined.

Planning Services (now known as the Environment Agency), an agency within the Department of the Environment in Northern Ireland (DoENI), prepare land use development plans in Northern Ireland.[149] Figure 6.3 illustrates the location of two area plans which the case concerns, the Draft Northern Area Plan 2016 and the Magherafelt Area Plan. Seaport Investments Limited, a property development company, based in Portballintrae, County Antrim, applied for a Judicial Review on aspects of the environmental assessment of the Draft Northern Area Plan 2016.[150] The case was co-joined with the case of the Magherafelt Area Plan 2015.[151] In this instance, Magherafelt District Council undertook the case with five property development companies operating in the Magherafelt area.

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[148] Berkeley v Secretary of State for the Environment and Fulham Football Club (Berkeley No.1) [2001] 2 AC 603. On the basis of no Environmental Impact Assessment the High Court quashed the Secretary of States granting of planning permission for Fullham Football Club to build a 28,000-seat stadium financed by building a block of flats. The ruling indicated that "the public, however misguided or wrong headed its views may be, [must be] given opportunity to express its opinion on the environmental issues."

[149] The Planning Reform (Northern Ireland) Order 2006, The Planning (Amendment) (Northern Ireland) Order 2003, 1991/1220(N.I.11) Planning (Northern Ireland) Order 1991.

[150] Leave was granted for the Judical Review in January 2006, and this was heard before Mr Justice Weatherup from 28th November to 1st December 2006.

[151] Heard on 25th & 26th January 2007.

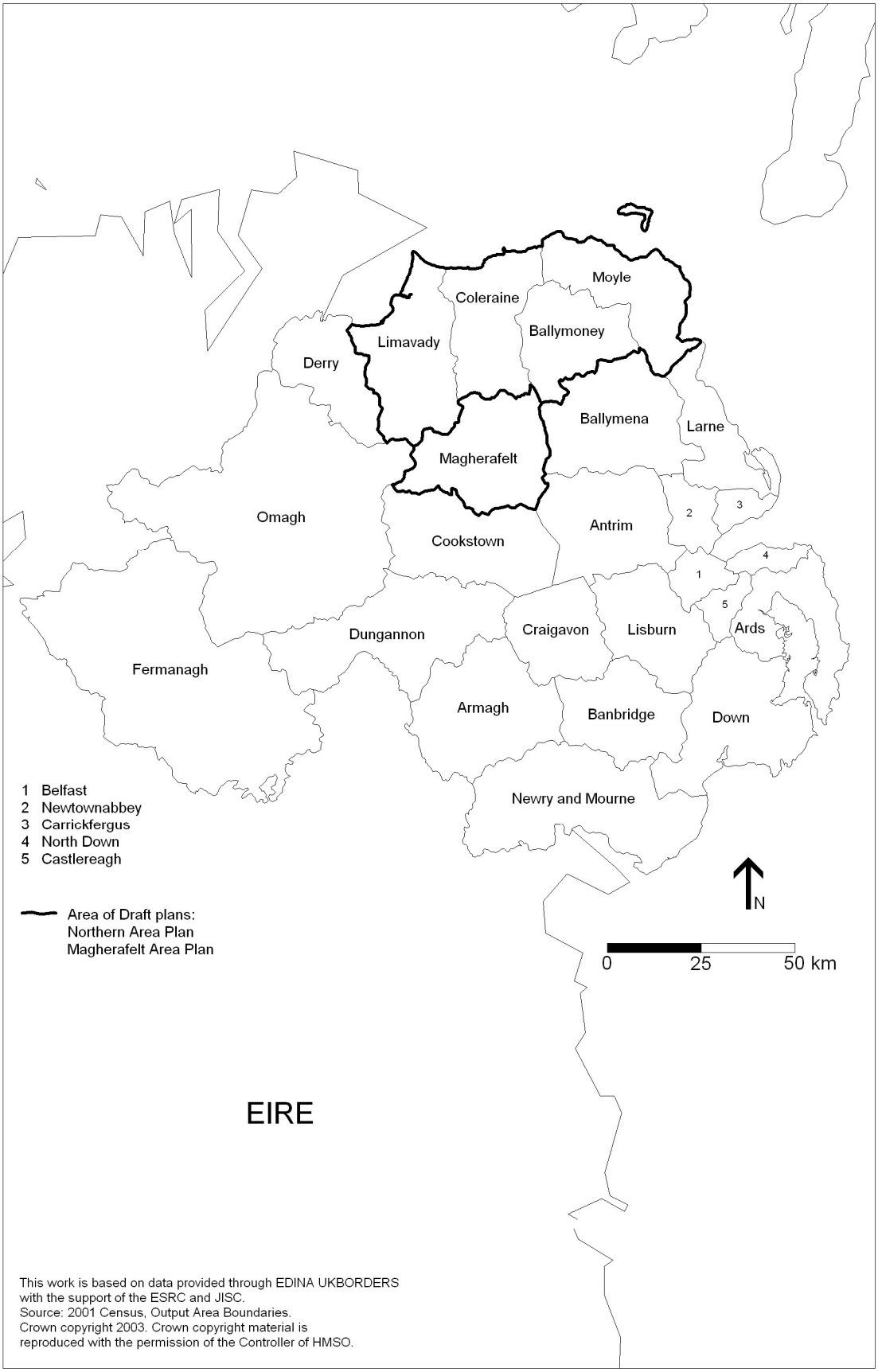

Figure 6.3 Map of Northern Ireland illustrating Local Government Districts and the boundaries of the Northern Area Plan and the Magherafelt Area Plan

Seymour Sweeney, of Seaport Investments Ltd, has been linked to Democratic Unionist Party (DUP) politicians in numerous media reports (e.g "DUP'S" 2008; "The old order" 2008; "Call for Review" 2009). There was particular media interest in Sweeney's bid to re-develop the visitors' centre on the site of the Giant's Causeway, a tourist attraction within the boundary of the Northern Area Plan (e.g. Erwin 2009; Gordon 2009). Sweeney has been described as "a property developer at the vanguard of taking advantage of the weakness of Northern Ireland's planning system" (Turner 2008, p.7). Thus a "bizarre situation" arose with Sweeney seeking "to ensure proper implementation of the SEA Directive" (Turner 2008, p.7).

As Table 6.6 lists there were four main grounds for application for judicial review that were all upheld. It was judged: first that transposition of the SEA Directive did not allow for independent consultation; second, that the timeframes for consultation were not appropriate; third, the SEA environmental reports did not comply with NI SEA Regulations because, amongst other things, they lacked adequate non-technical summaries and; forth, they were inappropriately sequenced with the draft plans. The outcomes and implications regarding procedure and participation related to the first and fourth of these issues are now examined. Thus highlighting the absence of independent consultation and the lack of compliance because of inappropriate sequencing of the SEA with the draft plans.

The judgement regarding the absence of an independent consultation body concerns Article 6.3 of the SEA Directive, requiring authorities to be consulted on the scope and level of detail of proposed plans and programmes. The Northern Ireland SEA Regulations[152] identify the Department of the Environment Northern Ireland (DoENI) as the consultation body (s.4(1)), but where the DoENI is also the plan maker, it shall not exercise those functions (s.4(2)). In this case the body taking forward the plans, Planning Services, and those consulted on them, Environmental and Heritage Services, were both divisions within the DoENI. [153]

The Seaport Investments judgement[154] identified that "At the heart of [this case] lies the nature of the consultation processes required by the Directive" ([14]). The contention by the DoENI that the "primary concern of the consultation process is access to expertise" was rejected by the judgement which favoured "expertise but also to independence" ([15]). This independence would contribute "to more transparent decision-making and to comprehensive and reliable information being available" ([15]). Implicit within Article 5.4 and Article 6.3 of

[152] Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004.
[153] However the DoENI contended that the "Directive permits the State to meet its environmental responsibilities within its existing structures" ([13]).
[154] Seaport Investments Ltd's Application for Judicial Review, Re [2007] NIQB 62; [2008] Env.L.R. 23.

the SEA Directive is the need to consult with an authority "external to the responsible body." ([15]); consequently such an authority may need to be created.

Arguably, this judgement used the legal challenge to SEA procedures to contribute to an existing debate about the need for an independent Environmental Protection Agency in Northern Ireland – an agency that would be once removed from the Assembly.[155] Turner has previously outlined how devolution and EU litigation in Northern Ireland has been a significant driver for organisational reform (Turner 2006a), making a case for an independent environment regulator to be a credible champion of the environment (Turner 2006b). Turner identified that:

> "The High Court Judge reflected a broad unease in the NGO community, industry, academia and professional associations across the political spectrum (with the exception of the DUP) about the lack of transparency that underlies the whole decision making process for Northern Ireland's environment"(Turner 2008, p.8).

However, the Seaport Investments case has implications beyond the boundaries of the plans illustrated in Figure 6.3. Figure 6.4 provides a map of Northern Ireland with the location of the plans prepared by Planning Services that are likely to be subject to the SEA Directive, together with a list of the names of these plans. In line with the High Court judgement, unless an independent consultation body is established, all these plans would be invalidated because of the lack of independent consultation. This demonstrates incompatibility between the governance of planning in Northern Ireland and the requirements of the SEA Directive.

This list is not exhaustive of the plans or programmes that have potential to be quashed – any plan or programme the DoENI takes forward runs the risk of not having appropriate consultation because of the lack of "independence". This includes River Basin Management Plans driven by the European Water Framework Directive[156] undertaken by Planning Services in conjunction with the Southern Irish Environmental Protection Agency.

[155] An extensive review of environmental governance which reported in 2007 (Bell *et al* 2007) dealt with this topic.
[156] Procedural incompatibilities between the SEA Directive and the Water Framework Directive have previously been identified (Howarth 2007).

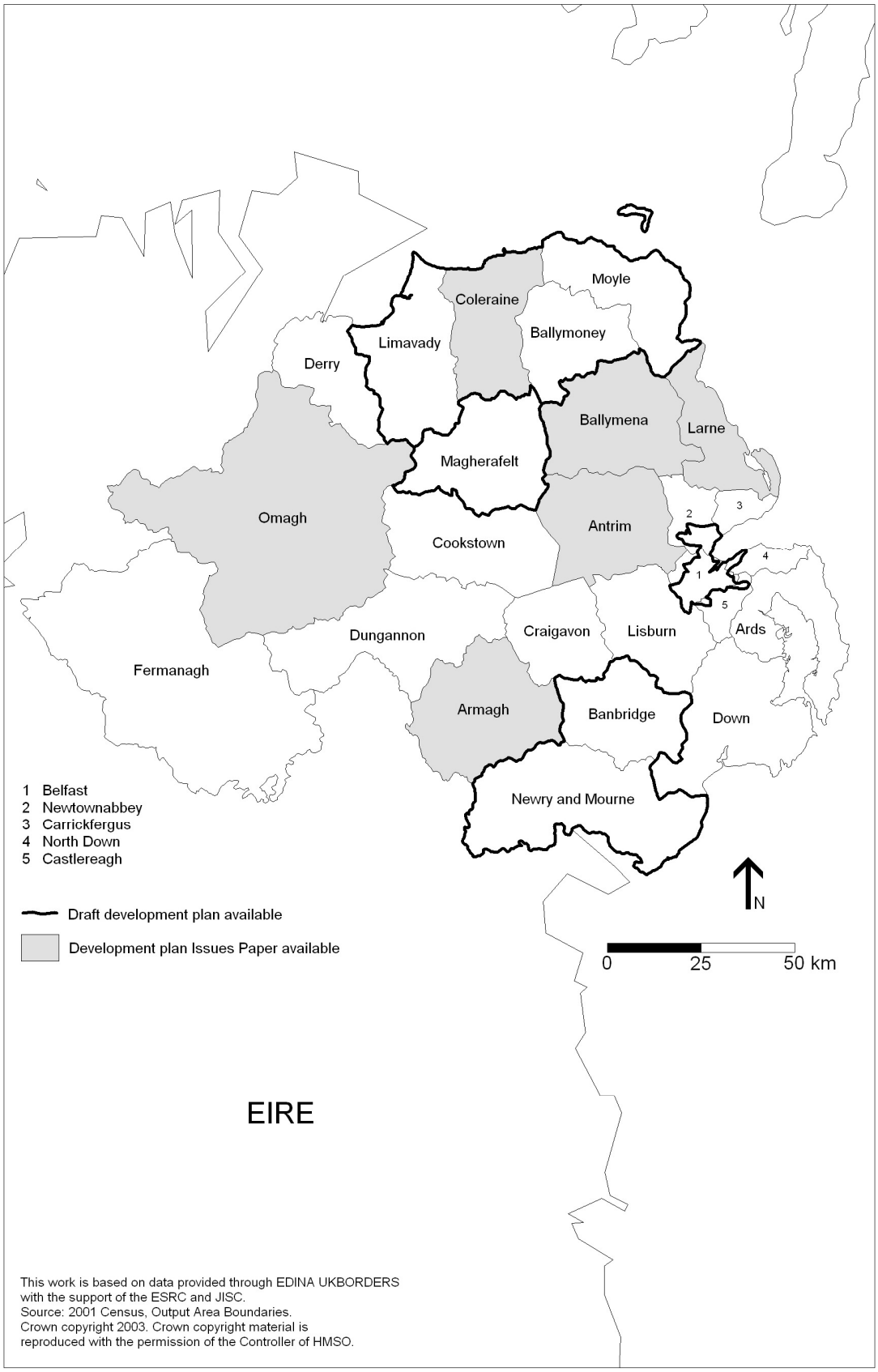

Figure 6.4 Map of Northern Ireland illustrating Local Government Districts and the plans at the Draft or the Issues paper stages taken forward by the Department for the Environment Northern Ireland

The Seaport Investments case was a ruling on the SEA Directive. Therefore the judgement that an independent organisation is required may apply to other EU Member States. Many EU Member States, for example Norway, Belgium, Poland and Spain, have no independent environmental protection agency to consult (EEA 2010).[157] In Scotland there are three Consultation Authorities but their activities relate to their areas of interest, as Section 2.3 examined. Arguably, where a Consultation Authority takes forward its own PPS, where it is a Responsible Authority, there is no independent consultation on the area of that authority's expertise.[158]

Also at issue in *Seaport Investments* was the sequencing of environmental reports.[159] In particular, prior to the publication of the Draft Magherafelt Plan there was a failure to consult on the environmental report of the SEA.[160] Almost a year passed between the Draft Plan consultation and the consultation on the SEA [41]. Additionally, elements of the Plan had been settled prior to the environmental report being completed and this left the public unable to make appropriate comments on the report. Thus the Seaport Investments judgement meant "the content and sequencing of the [plans] Environmental reports were not in substantial compliance with the SEA Directive" (Planning Services 2008).

The DoENI launched an appeal on the issues concerning the transposition of the SEA Directive which the Court of Appeal then referred to the European Court of Justice. After the judgement the DoENI issued a determination of non feasibility on the Draft Northern Area Plan (Planning Services 2008). SEA is not required for plans whose "first formal preparatory act" is before 21 July 2004 and that are adopted before 21 July 2006. If the plan or programme is not adopted before 22 July 2006 "it will require what is effectively a retrospective SEA or otherwise it will fall" (Gilder 2005, p.122).[161] However SEA need not be carried out if it is determined that it is not feasible and the public are informed of the decision.[162] This determination of non-feasibility was then challenged by Seaport (NI) Limited – formerly Seaport Investments.

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[157] The impact of this rests on the structure of the planning system in each country. This could be investigated in future research.
[158] Other bodies could be consulted in these circumstances but this is not provided for by law.
[159] This did not concern the quality of the documents [37].
[160] In addition the SEA environmental report of the draft Magherafelt Area Plan was not published at the same time, did not comply with the requirements of the Directive and the range of issues upon which the public were entitled to comment was restricted [42].
[161] Thérivel and Walsh note that 'retrofitting' of SEA is "typically due to planmakers hoping to get their plans adopted before July 2006 to avoid SEA…finding out late in the process that this is not possible; and then carrying out SEA post-hoc for a plan for which key decisions have already been made" (2006, p.669)161.
[162] Scotland and the rest of the UK differ about where responsibility lies for deciding feasibility. Feasibility is determined by the stage in the decision-making process the plan or programme has reached by 2006 (ODPM 2006). Under the UK Regulations the Responsible Authority must determine whether the plan or programme is caught by SEA (6(1), whereas under the Scottish Regulations the Scottish Ministers can determine the SEA is not

The Seaport Investments judgement, regarding inappropriate sequencing of the plan with its SEA, directly motivated concern about legal challenges to Scottish SEA in particular by Perth & Kinross Council (Perth & Kinross Council 2008, 13). However, there have been no direct legal challenges of SEA in Scotland, and despite the legal implications of a broad application of SEA being debated during the progress of the SEA Bill (Reid 2005a), the legal interest has also been limited. Table 6.7 provides an overview of where legal documents have been produced as a result of Scottish SEA. All of the interest relates to whether or not an SEA is required.

Table 6.7 Legal advice sought or legal submissions made in relation to SEA in Scotland

Date of document or debate	*Circumstances advice related to*	*Body seeking advice*	*What advice was sought - together with why*
Aug 06	Forth Road Bridge	Transport Scotland	A second bridge is due to be built across the River Forth to connect Fife with the City of Edinburgh. Legal advice was sought about whether an SEA would be needed as a result of the SEA Act. An SEA is being undertaken indicating that this bridge proposal qualifies as a "plan or a programme" for the purposes of the SEA legislation.
29 Jun 07	Beauly to Denny Powerline Public Local Inquiry	Scottish Government in response to submission on behalf of Eilean Aigas Estates and Scottish Hydro-Electric Transmission Ltd and Scottish Power	A power line is being built from Beauly to Denny to take electricity south from an increasing number of wind farms in the north of Scotland. One submission used the SEA Act to argue that the power line was a "plan or programme" that would require to be assessed. The reporter and then the Scottish ministers ruled that on the question of SEA, the SEA Regulations (not the SEA Act) would apply and that the power line was not a "plan or programme" but a stand-alone project undertaken by a private company. The line was not required by "legislative, regulatory or administrative provisions" and thus SEA was not needed.
Sep/Oct 07	Abolition of Bridge Tolls (Scotland) Bill	Transport, Infrastructure and Climate Change Committee	The Bill proposed to abolish the remaining tolls on the Forth Road Bridge and the Tay Road Bridge. The committee accepted that no SEA was required as a result of the SEA Act in relation to the Bill proposals. The SEA Act does not apply to "financial or budgetary plans and programmes".
Jan 08	Draft Perth Area and Eastern Area Local Plans	Perth & Kinross Council[1]	A retrospective SEA of two Area Local Plans was undertaken. The plans required an SEA to be carried out under the provisions of the Scottish SEA Regulations because they had started before 2004, but neither Plan was adopted or submitted to the Scottish Ministers before July 2006. The *Seaport Investments* case prompted concern there was a "real and serious threat" of legal challenge as a result of the mismatch in timing between the SEA consultation and the plan consultation.

Note: The Information in this table was unearthed from newspaper articles, from discussions at events and from interviews (see Chapter 3 for further details). The source of this information means that it may not be comprehensive.

[1] In Nov 09 at a Scottish Government event Perth & Kinross Council stated they were also potentially going to seek advice regarding the topics a decision to grant planning permission in *Walton*. In this case a decision not to require EIA was questioned because it was taken by an officer with no formal delegated authority. At present, Perth & Kinross council asked officers to take pre-screening decisions and complete screening determinations for SEA.

The *Seaport Investments* judgement motivated Perth & Kinross Council to suspend two plans. The review of the Draft Perth Area and Eastern Area Local Plans "started before

feasible but they must inform the public of that decision (6(2)). The Scottish Minister' duties are undertaken by the SEA Gateway (Scottish Executive 2006e).

2004" and were due to be complete before July 2006 and thus would not have required SEA. However, delays in plan making meant "neither Plan was adopted or submitted to the Scottish Ministers for legislative procedures before July 2006" (Perth & Kinross Council 2008, p.8). After meeting with the SEA Gateway in Spring 2006, representatives of Perth & Kinross Council continued with the SEAs. The "real and serious threat of legal challenge" of a retrospective SEA (Perth & Kinross Council 2008, p.16) and the "contentious" nature of the plans eventually lead the Council to halt the plan reviews.

The delay to the plans was compounded by the introduction of The Planning etc. (Scotland) Act 2006 which put in place the new form of local development plan. This Act was originally due to be in force by Summer 2008 (Scottish Executive 2007c). The Scottish Government advised planning authorities to halt plan reviews under the old legislation.[163] Stopping the plans removed the threat of challenge because of retrospective SEA but meant "decisions on planning applications are being taken on the basis of out of date plans. Until the new plans are produced, this will likely result in an increase in planning appeals" (Esson and Duffy 2008, p.9). This increase in appeals will likely create costs for the Responsible Authorities.

Table 6.7 also indicated legal advice has been sought and legal documents produced because of lack of an SEA. The cases concern: the upgrade of a 137-mile overhead power transmission line from Beauly (near Inverness) in the North of Scotland to Denny, in Scotland's central belt; the need for the SEA of a large scale strategic project taken forward on behalf of the Scottish Government – the replacement Forth Road Bridge; and the development of legislation to remove the remaining Scottish Bridge Tolls (on the Forth Road Bridge and Tay Road Bridge). These cases all draw attention to a topic central to SEA – the ability of SEA to take account of high level alternatives.

As Section 6.1.2 states the SEA Directive and subsequent legislation introduced a need to assess "reasonable alternatives". The SEA Directive (and subsequent legislation) requires that "An outline of the reasons for selecting the alternatives dealt with" must be included in the environmental reports (Annex 1(h)). Guidance indicated that there is a hierarchy of alternatives – at the top of the hierarchy is "need or demand: is it necessary?" (ODPM 2005, p.69[71]). SEA's role as a tool to profile high level options or alternatives has been identified by NGOs at conferences (Ali 2008), in statements to the press (Farquharson 2006) and in the committees of the Scottish Parliament (Scottish Parliament 2007).

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[163] For transitional arrangements see The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008. The Scottish Government advocated that "background work [could] be undertaken in preparation for the new style Development Plans" (Perth & Kinross Council 2008, p.18).

The Beauly to Denny Power line would link the increasing number of wind farms in the north of Scotland to sites of electricity use in the south of Scotland. The public inquiry reporter found that on the question of SEA, that the power line was not a "plan or programme" but a stand-alone project undertaken by a private company (dated 22 December 2006). Thus no SEA was required. Arguably this is correct.[164] However, the Beauly to Denny Power line was needed because of an existing commitment to build wind farms (Cook 2004; Reid 2004a). Therefore, in this case SEA could not be used to assess high level alternatives such as the promotion of decentralised renewable energy as this would not be "reasonable".

However, in terms of reviewing high level alternatives or options there is no national strategy (or policy) in which they can be set out.[165] High level options for the energy sector are considered in an UK Government Energy White Paper which is not a plan or a programme but rather a statement of UK Government direction. To be subject to SEA, options would have to have been included in PPSs such as the National Planning Framework and structure plans or local plans. Therefore the devolved Scottish Executive, and now the Scottish Government, had limited control over energy strategy. The same set of circumstances applies to any proposal to build new nuclear power stations (Reid 2005b).[166]

Thus SEAs ability to consider high level options or alternatives is often restricted. SEA is not undertaken of a project – even a contentious project of such great scale.[167] Alternatives can be considered within project EIA – however research suggests these are often limited by the frame of the project (e.g. Steinemann 2001; also Flyvbjerg 2005). For example, in road projects, such as the new Forth Road Bridge, the EIA would consider alternative route alignments but not for example alternative modes of transport such as rail.[168] The Forth Road bridge – despite it undoubtedly being a "project" – has been

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[164] It has been argued that there were a series of "legislative, administrative or regulatory provisions" that governed the development of this line and thus it could have been subject to the provisions of the Scottish SEA Regulations (Local Authority Officer, pers. comm., 3 Nov 09).

[165] Clackmannanshire Council's objection was made on the impact on quality and appearance and character of an area of great landscape value – the inadequacy of the Environmental Statements due to its underestimating the severity of the adverse impact on this landscape and a failure to fully assess alternative route options. This was coupled with the "lack of a comprehensive National Energy Policy within which to adequately judge energy production options, advantages and disadvantages, costs and distributions" (Clackmannanshire Council 2006, p. [2]).

[166] The Scottish National Party (SNP) Scottish Government strongly opposes plans to build new power stations in Scotland.

[167] This highlights the unlikely alliance between the RSPB and FoES – the two main environment groups that make up Scottish Environment Link. With one group, the RSPB, often opposed to windfarms (although they have co-operative in assisting in their location), the other in general wishing to support the proliferation of this technology.

[168] This is clearly demonstrated in the environmental impact statement prepared of the M74 Special Road, presently being built through the South side of the city of Glasgow, Scotland (Environmental Resources Management 2003).

designated as a "plan or programme" for the purposes of the SEA Act (evidenced by an SEA being undertaken – SEPA No.220). In this case the alternatives to be considered will be restricted to those that are "reasonable".

The Bridge Tolls could also be viewed as a "project". However because the proposals to remove the Bridge Tolls were contained in an Act of Parliament, arguably they are within the realms of "policy". In this case SEA would have created an obligation to consult in light of the predicted environmental effects.[169] Ultimately, no SEA was required of the Bridge Toll because it is of a financial nature (Scottish Parliament 2007, para 54). In theory the environmental effects of both building a New Forth Road Bridge and removing the Toll on the existing bridge could be considered at a higher strategic level, within the South East of Scotland Transport Strategy. However, as 6.1.1 explored the effectiveness of the Regional Transport Strategies altered with changes in governance – and the need for particular interventions was not assessed at a higher strategic level.

In terms of using the SEA process to promote aims related to environmental justice, FoES had limited involvement with SEA, beyond lobbying on the content of the SEA Bill. FoES instigated a high profile legal challenge in 2006 against the Scottish Executive's plans to build a section of motorway (the M74) through the south side of Glasgow,[170] which failed ("Activists" 2006; Luckhurst 2006). The cost and subsequent failure of this challenge acts as a deterrent not only to other legal actions by FoES, but potentially also to other organisations wishing to take similar actions

Public awareness, restrictions on standing and the cost of judicial review, all decrease the likelihood of challenge. Where challenge has been undertaken it is of plans where people have a great (often clear financial) interest in the plan – likely true of all planning disputes. In other circumstances, the potential for legal challenge is related to large scale, contentious projects. In this case, SEA is being used to illustrate general restrictions to the consideration of alternative projects. The likelihood that lack of an SEA will trigger widespread challenges is limited. Literally, *who cares* about all the PPSs being taken forward

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[169] No public consultation was done on the proposal to remove the tolls, although there was some contact with affected local authorities with regard to traffic management (Scottish Parliament 2007, para 21).[169] The committee considered "obtaining the views of the public on issues where there is a clear and obvious public interest constitutes good practice in the legislative process" (Scottish Parliament 2007, para 29). The SNP election manifesto contained the commitment against tolls the Bill Team judged that "the proposal had been "put before the electorate" (Scottish Parliament 2007, para 19).

[170] Press reports indicated that the legal papers state grounds for the appeal as "failure by Ministers to give adequate reasons where they disagreed with the (public inquiry) reporter's conclusions" and "introduction of new evidence by ministers to support their rejection of the Reporters' conclusions" (BBC 2005). A public inquiry had previously indicted that "this proposal [the M74] should not be authorised, and that the compulsory purchase order should not be confirmed" (Hickman & Watt 2004, s.11.99). The Transport Minister (on behalf of the Scottish Ministers) stated "We believe that the benefits of this project outweigh the disadvantages and that it is in the public interest to proceed" (Scottish Executive 2005e).

by public authorities as a result of the SEA Act that could have significant environmental effects? For example, who cares that no SEA has been undertaken of the University of Strathclyde's Strategic Plan? (University of Strathclyde 2007)

6.4 Conclusions

Public participation is seen as a key mechanism to support the procedural aspect of the policy objective environmental justice. Arguably the widespread application of Scottish SEA potentially provided greater legislative opportunities for public participation. The public could participate in SEA by tracking how widely SEA had been applied. The reporting requirements brought in by the unique administrative arrangement – the SEA Gateway – could promote transparency. The public are consulted on environmental reports and they can also challenge SEA procedures using judicial review. In theory, all these opportunities supported the Scottish Executive's commitment to environmental justice.

However, procedures in place to help people keep track of SEA were incomplete. The Gateway, on behalf of the Scottish Ministers, was not required by legislation to routinely provide *comprehensive* information about SEAs undertaken. Additionally, because public sector organisations had not fully complied with the SEA Act, keeping track of SEA undertaken would require knowledge about all the Scottish public sector PPSs being taken forward. This information is difficult to gather because what "Scottish public authorities" must undertake SEA is open to interpretation.

To promote transparency, arguably there must be some demand for information about SEAs undertaken. To generate such demand, people must be made aware of SEA. Section 6.2 identified that there was little engagement in the SEA process through consultations on the draft PPS and the SEA environmental reports. The consultation process was dominated by the experts consulted at the screening and scoping stage, who have no direct remit to tackle environmental justice via SEA as Section 2.3 stated. Neither FoES, the group promoting environmental justice in Scotland, nor health bodies, with a related interest in health inequalities, got involved in the SEAs analysed within this thesis. There was engagement by the RSPB, although their conservation aims could conceivably run counter to environmental justice. Additionally, viable engagement of existing stakeholders could be diluted via 'consultation fatigue' if SEA was applied as broadly as the SEA Act intends.

The threat of legal challenge was thought to be a way to gain compliance with the SEA Directive and the SEA Act. Legal challenges on implementation of the SEA Directive have been brought as a result of procedural errors in the transposition of the SEA Directive into national laws, procedural errors in carrying out an SEA and also lack of an SEA. The

lack of an SEA prevented public participation and consideration of reasonable alternatives to the plan or programme. There have been no Scottish legal challenges on SEA. Legal advice has been sought but widespread legal challenge is unlikely, because of the restrictions on standing and the costs to undertake challenges. People must have an awareness of (and likely an interest in) the particular PPS.

The Seaport Investments case in Northern Ireland illustrated how environmental legislation, in this case SEA, can simultaneously be used to interfere with environmental protection and bolster environmental regulation. Additionally, in Scotland, the group that had a demonstrated interest in environmental justice, namely FoES, were unlikely to challenge using SEA. They did not maintain a strong interest in SEA once the SEA Act had gone through the parliamentary process as they were previously involved with a high profile unsuccessful and costly legal challenge. Therefore, the substantive outcomes from procedures identified as concerned with the "environment" rests on how people choose to use them. Chapter 7 now provides an overview of the outcomes and implication of promoting environmental justice as a policy objective.

Chapter 7
Outcomes and implications

Since its formulation in the United States (US) in the late 1970s, prompting the Presidential Executive Order of 1994, a large amount of time and energy has been channelled into promoting environmental justice both in the US and more recently in the European Union (EU). The purpose of this thesis was to consider the outcomes and implications of making environmental justice a broad policy objective – using the Scottish commitment to environmental justice (2003-2007) as a case study. This enabled the implications of promoting environmental justice as a guide for United Kingdom (UK) and broader EU decision-making to be examined. This thesis finds that promoting environmental justice as a policy objective will always result in confusion about how this concept should be implemented. Section 7.1 presents an outline of why this confusion arises, whilst providing a summary of the key findings and recommendations for future practice proposed by this thesis. Section 7.2 concludes this thesis by reviewing areas for future research that directly relate to the thesis outcomes.

7.1 Key findings and recommendations for future practice

This section sets out the key findings and recommendations for future practice derived from this thesis. The results of this thesis (Chapters 4-6) drew attention to limitations in how SEA put the policy objective environmental justice into operation. The claim that this thesis will supply 'recommendations' could produce an expectation that ways to remedy the limitations highlighted in the results Chapters will be described. This could mean, for example, suggesting improvements to SEA so that it could become a more useful instrument for delivering environmental justice.

Rather, this Chapter uses the outcomes from the results to demonstrate why making environmental justice a policy objective will lead to uncertain outcomes, outcomes which may not necessarily enhance the interests of particular groups of people (e.g. those with comparatively low incomes) identified as the target of the policy. This is illustrated by

procedural environmental justice being linked with enhanced opportunities for public participation. It is clear that mere provision of opportunities will likely strengthen, rather than question, existing structures of power.

In theory, the promotion of environmental justice policy has potential to have 'good' outcomes for society and the environment, measures can be created that intend to benefit both (Dobson 1998). However, the findings and recommendations, derived from the results and presented in this section, directly reflect and explore the inherent indeterminacy of the meaning of environmental justice, first outlined in Chapter 1. This means that environmental justice policy *also* has potential to have indeterminate outcomes for society, the environment or both (Ibid). This leads to the main recommendation to come from this thesis, that environmental justice must be treated with caution. Who actually benefits from the promotion of this policy, in particular cases, requires further careful analysis.

Section 7.1.1 focuses on what measures were identified to deliver the policy objective in Scotland. Section 7.1.2 reviews the status of the policy objective, focusing on how it interacted with other Scottish Executive initiatives. Section 7.1.3 then considers what 'groups' were the target of the policy objective, that is who or what were the recipients intended to receive its benefit. Section 7.1.4 engages in debates related to SEA, in particular, what the implications are of broadening SEA to all policies, plans and programmes across EU Member States. This reflects the ambitious requirement for SEA to be undertaken of all Scottish plans, programmes and strategies.

7.1.1 Measures to deliver the policy objective

Examining the outcomes and implications of making environmental justice a broad policy objective requires a review of what measures were proposed to put the policy into operation. In Scotland one measure was specifically created to contribute to the policy – the *Environmental Justice Fund* which ran from 2007-2008 (Forward Scotland 2007). Individual projects were funded via this scheme. Therefore, whether the impact of this funding would tackle "injustice", beyond the bounds of these projects, cannot be determined. Prior to the creation of this fund, using an approach borrowed from the making of sustainable development strategy (SEEG 2002), the Scottish Executive corralled existing government activities into a retrospective *Review of Progress on Environmental Justice* (SEEG 2005b) as Section 1.3 of this thesis outlined.

Environmental justice was a desired outcome of the entire Scottish Executive programme for government 2003-2007 in tandem with sustainable development (Scottish

Executive 2003a). However, the Review of Progress only included Scottish Executive activities thought to *contribute* to environmental justice as a policy objective – it did not highlight those with potential to *counteract* it. This is problematic – if environmental justice was the desired outcome of the entire programme for government, all activities contained in that programme should work towards that goal.

This thesis established that – reflecting the US integration of environmental justice impact assessment into the environmental assessments required as a result of National Environmental Policy Act (NEPA) – SEA was seen as a tool to deliver environmental justice in the UK. SEA must be applied to certain plans and programmes within all European Union Member States as a result of the SEA Directive. The Review of Progress, and the Scottish Executive more generally, identified SEA in Scotland as pivotal to the delivery of environmental justice. In particular because SEA in Scotland was intended to be applied more broadly than the SEA Directive by encompassing virtually all Scottish public sector plans, programmes and strategies.

However, other measures cited as contributing to environmental justice by the Review of Progress could undermine the application of SEA. This is because aspects of legislative and advisory procedures, identified within the Review of Progress, clashed. This thesis examined how the generation of alternatives within the advisory Scottish Transport Appraisal Guidance, undertaken in advance of SEA, happened before the statutory requirement for consultation when all options provided by SEA were open. Chapter 6 highlighted that the Planning etc. (Scotland) Act 2006 created greater opportunities for public engagement, but the new local development plans require consultation on options and alternatives, prior to the need for SEA to assess their environmental effects.

The Review of Progress provided a rationale for why existing measures were thought to contribute to environmental justice. It is conceivable that many of the measures – such as those to tackle environmental crime – could produce outcomes that could bring both social and environmental benefits. However, it was also clear that there was limited exploration of what the outcomes of the measures, listed in the Review of Progress, would be. This is exemplified by the detailed analysis of SEA undertaken in this thesis. The analysis highlighted that despite the links made between SEA and environmental justice, no public body had a duty to promote environmental justice through SEA. In addition, SEA guidance gave no explicit recommendations about how SEA could account for environmental justice. Although guidance featured topics linked to environmental justice, Chapter 5 showed that the most recent Scottish guidance was less attuned to analysis of

environmental justice than the UK guidance on which it was based (Section 7.1.2 discusses the drivers for this further in relation to the status of the policy).

Arguably, if environmental justice had been maintained as a policy objective, the analysis presented by this thesis supports the conclusion that bodies should have been given a duty to promote environmental justice and guidance should have been provided. Conversely, this thesis has found that SEA is not an appropriate tool to take account of environmental justice where the dominant form of rendering the distributive strand of this concept, distributional analysis, is used (discussed in greater detail in Section 7.1.3). This argument draws attention to contradictions and conflicts in Scottish Executive policy, but, also leads to questions about the efficacy of promoting and maintaining environmental justice as a broad policy objective. The next section reviews these contradictions and questions in relation to the status of the policy.

7.1.2 The status of the policy

This section reviews the outcomes and implications of promoting environmental justice as a policy objective in terms of three topics related to the status of the policy. First, the conflicting status of environmental justice within Scottish Executive policy is examined in light of the work undertaken by the two largest Scottish environmental NGOs, the Royal Society for the Protection of Birds (RSPB) and Friends of the Earth Scotland (FoES). Second, the status of environmental justice in relation to broader commitments to sustainable development is assessed. Third, environmental justice's status is considered in relation to the involvement of academics in its formulation and promotion.

In Scotland, beginning in 2002, the Scottish Labour Party championed environmental justice. For the first two terms of the Scottish Parliament (1999-2007) the Scottish Labour Party formed the Scottish Executive in coalition with the Scottish Liberal Democrats. The Liberal Democrats supported the Scottish extension of SEA beyond the requirements of the European SEA Directive. For SEA to directly take environmental justice (as defined by the Scottish Executive) into account it would likely have to include economic and social factors. Such factors could be incorporated into SEA as a result of the requirement for SEA to consider impacts on "health".

However, to prioritise the environment, the Liberal Democrat Minister, who introduced the Environmental Assessment (Scotland) Bill, recommended that economic and social factors be kept out of SEA. This recommendation was then repeated by Scottish

Executive, and subsequently Scottish Government, representatives. This thesis identified that this recommendation arguably counters the potential for SEA to be used to directly promote the Scottish Labour Party's commitment to environmental justice.

This contradiction between the aims of different groups acting together, reflects the relationship between the RSPB and FoES. FoES was influential in persuading the Scottish Executive to develop a commitment to environmental justice. The RSPB suggested that SEA in Scotland could be extended to all plans, programmes and strategies. Together with FoES (and other groups under the banner of Scottish Environment Link) the RSPB campaigned for this extension at the Parliamentary level. The RSPB was the environmental NGO with the most involvement with SEA. In many cases the aim of the RSPB to prioritise environmental conservation could clash with FoES commitment to environmental justice.

Tensions can also be found within the relationship between sustainable development and environmental justice. Within the UK, Europe and internationally, environmental justice has been promoted as a policy objective to highlight the equity aspects of sustainable development within public policy. Indeed, the World Commission on Environment and Development (WCED) report, which popularised the concept of sustainable development (WCED 1987), introduced in Section 1.2, contained commitments to address "inequality" that have been interpreted as akin to support for environmental justice.

In Scotland, environmental justice was integrated into the definition of sustainable development and was then conflated with sustainable development by the Scottish Executive and NGO's – promoted as being compatible rather than distinct from or attempting to radically modify this term. The analysis of SEA indicated the public sector did not problematize the relationship between the contested sustainable development (or sustainability) and environmental justice. Environmental justice was not routinely being used to ignite debate about the overall meaning of these policy goals.

Contested policy concepts linked to sustainable development such as "environmental justice", "social inclusion/exclusion" and "health inequalities" were included within SEA environmental reports. These contested terms were not directly defined and often their meaning was not apparent from the context of their use. Thus, what they meant to people preparing documents, such as SEA reports, and then people reading them, is unclear. So why are such terms included in SEA? PPSs often relate to bids for funding, therefore it literally pays to ensure that the PPSs and any related assessments reflect the dominant set of policy discourses. To prevent inclusion of such terms appearing tokenistic, this thesis recommends that where such terms are used they should be defined.

Despite the high profile nature of the commitment to environmental justice, it was integrated into comparatively few SEA Documents studied by this thesis (in the time period 21 Jul 04-20 Nov 07). It did not have the status of a term routinely deemed important to include. This may reflect on how it was perceived by people preparing the documents.

The Scottish commitment to environmental justice was discussed nationally within the UK and internationally, but as Section 7.1 explained, the measures associated with the policy had not been designed to clearly contribute to it. Measures may be used to promote a nation at both the national and international scale, but interest in following the measure's progress at the national level may decline. NGOs engage and lobby on debates seen to be relevant to policy, but in Scotland NGOs interest in SEA waned once the legislation was passed. This may relate to the status of SEA as a seeming technical or specialist process. The response to recent related legislation, the Climate Change Act, may be different because of direct media and policy interest in this topic.

Academics were heavily involved in the formulation and promotion of the policy and in many cases, sometimes inadvertently, elevated its policy status. In the same year that Walker (1998) started researching and promoting the subject, Dobson (1998) identified that the concepts which are combined within environmental justice – environmental sustainability and social justice – were not always compatible. In the US other academics had already identified that claims of environmental justice operated at different spatial scales, that local level disputes could "jump" to the scale of national decision-making (e.g. Kurtz 2002; 2003). The desire to promote a policy objective suggests that its meaning can be controlled and that positive action will result from such promotion. Therefore, in this case, a wish for what something might mean conceals the complexity of its potential interpretation in reality.

Arguably, different audiences should be addressed in different communication formats (for example an article in the newspaper is pitched at a different audience to an academic paper). However, in the case of environmental justice debates, the same group of people tailored the communication format *and* outcomes according to the audience. As Chapters 2 and 4 identified the same or similar groups of people were involved in producing an advocacy report for NGOs whereas more critical and questioning reports were produced for academic audiences.

Academics often have to make their work policy relevant – particularly because social science research funding often comes directly or indirectly from the state. In this instance, such groups are akin to those that Becker identifies as "moral entrepreneurs" (1963 pp.147–153). Parallels can be drawn with the "advocacy research" which has been

influential in constructing and promoting particular topics as social problems (Blumer 1971; Spector and Kitsuse 2001[1987]; Best 2002). As with other forms of advocacy research, environmental justice's 'virtuous' nature makes it uncomfortable to draw attention to the uncertain outcomes from this policy. Such uncertainty arises, in part, because who or what is the target of environmental justice as a policy objective is indeterminate. The next section explores this indeterminacy in relation to the 'groups' targeted by the policy.

7.1.3 'Groups' targeted by the policy

Central to environmental justice, echoing social justice, are theories regarding how goods should be distributed. Also central is the identification of "among whom are goods and bads to be divided up" (Dobson 1998, p.9). Recent debate has refocused environmental justice on the idea of "recognition" of particular groups in environmental decision-making, rather than, or in tandem with, re-distribution to particular groups (Schlosberg 2004; echoed by Walker 2009a). However, in all cases this requires "groups" or "recipients" to be identified. This section reviews who or what was the target of the policy in Scotland, what the "groups" were, and what information was connected with such groups.

How "groups" were defined is intimately related to the use of distributional analysis or distributive concepts as a way to generate evidence of environmental justice. The target of the policy in the Report for Friends of the Earth, the FoE Report, which examined "tools for distributional analysis" was people, identified by the groups: Deprivation or Income; Gender; Age; Ethnic; Disability; Other; Vulnerable groups; Future generations; and People in other countries. The text of this report indicated "Other" referred to people. Therefore the concept of environmental justice was not being broadened out to encompass other groups such as (non-human) nature. However, the focus of environmental assessment, for example SEA, means impacts on issues such as "fauna and flora" can be assessed, potentially broadening the community of justice.

Experience from the US and UK suggests that more widespread use of the policy objective, environmental justice, would be accompanied by greater application of distributional analysis. Or at least recommendations for a broader use of distributional analysis (Rose et al 2005). Distributional analysis compares the location of target population groups against aspects of the environment identified as "bad" or "good". Such research enables certain "environmental inequalities" to be investigated, but does not show whether any inequalities found are "unjust". As a result, including distributional analysis in public documents can potentially exclude people. To appropriately interpret the analysis, people

must understand a technical assessment together with the theoretical perspectives underpinning different conceptions of justice. Thus, there is an inherent tension between the technical output from distributional analysis and drives to include local knowledge about distributional impacts in decision-making.

To identify population groups, the official research into environmental justice used indices of multiple deprivation. In England and Wales the Index of Multiple Deprivation was used, in Scotland the Scottish Index of Multiple Deprivation (SIMD) 2004. The SIMD corresponds to the category Deprivation or Income in the FoE Report. The Scottish Executive's Review of Progress indicated that the SIMD 2004 and 2006 would contribute to environmental justice and these indices were the only data linked to the references of environmental justice in the SEA Documents.

Therefore environmental justice can be interpreted broadly, but when mobilised within SEA in Scotland it was limited to measures of deprivation. This concurs with the observation by Buckingham and Kulcur (2009) that the dominant focus of environmental justice debates is "race/ethnicity and class/income" (2009, p.659). Other countries use similar indexes, for example South Africa and India (Noble et al 2006). The UK and UK policy work on environmental justice is likely to be a model for other countries influencing future attempts to mobilise the concept of environmental justice within public policy.

This highlights a central problem with making environmental justice a policy objective. To demonstrate that the policy objective has been fully taken into account would require integrating all of the potential groups linked to the policy into policy appraisal, such as SEA. Appraisal must focus on "significant" topics, which would arguably narrow the number of groups, making such an appraisal less unwieldy. However, the process of determining what is an appropriate topic to include is subjective and shaped by existing discourses. Therefore, it will always be exclusive of particular groups.

Even use of a narrow concept of environmental justice may be unmanageable. Routinely integrating a concern for deprivation into distributional analysis, undertaken as part of an SEA, was shown to be problematic. SEA operates at the level of policies, plans and programmes and undertaking distributional analysis could require a great deal of data and would be resource intensive. This is why expert judgement is often employed in SEA and SEA guidance recommends that techniques such as tables and matrices employ SEA Objectives which can represent 'clusters of data'. This leads to the overall question about the coherence of using this vocabulary of environmental justice within SEA, and whether an alternative vocabulary can highlight the power imbalances implicit within the concept of environmental justice.

Perhaps documenting "who wins and loses" from the particular policy, plan or programme in SEA environmental reports as advocated by Thérivel (2004, pp.89-90) is clearer than claiming to make a coherent assessment of environmental injustice, or including environmental justice as a term within the assessment process. This approach requires that the assessor "focus on the groups who might be particularly disadvantaged. This depends on 1) the strategic action in question, and 2) which groups are already disadvantaged" (Thérivel 2004, p.90). Value judgements will still need to be expressed but these should relate more coherently to the frame of the plan, programme or policy.

However, this confines the analysis to the geographic boundary of the strategic action. Thérivel (2004) still support use of deprivation indicators, thus using the framework of "winners and losers" does not circumvent the difficulty of finding appropriate evidence. Overall, who is considered as an appropriate focus for policy, will still reflect document discourses. This also draws attention back to an acknowledgement that environmental justice becomes a focus for claims to be made for the validity of different interpretations of environmental justice or injustice (Čapek 1993). It rests on how people choose to use this concept.

SEA is acknowledged to happen at a more abstract level than the environmental assessment of projects, environmental impact assessment (EIA). SEA Documents often stated that environmental justice should be tackled at a local level – in particular within project EIA. If environmental justice is tackled within project EIA it means that the assessment of environmental injustice, unless explicitly stated, would be limited to the geographic frame of the project. Part of the rationale for undertaking SEA, driven by the SEA Directive, is to improve the integration of the environment into strategic decision making so as to better contribute to sustainable development. The next section examines the desire to apply SEA to policies, plans and programmes.

7.1.4 SEA of policies, plans and programmes

Across the EU, SEA must be applied to certain plans and programmes. This followed the introduction of environmental impact assessment (EIA) which applied to certain projects. The original rationale for undertaking environmental assessment at higher 'tiers' or 'geographic scales' of decision making is that, with the involvement of the public, cumulative impacts and sustainable alternatives can be considered from the policy level down (Glasson et al 1994; Tromans and Roger-Machart 1997). SEA, the environmental

assessment of policies, plans and programmes, enables this to happen. However, the SEA Directive did not identify that it applied to policies, just "certain plans and programmes".

The introduction of SEA in Scotland was motivated by the SEA Directive. In Scotland, the SEA Act extended the provisions of the SEA Directive from its application to "certain plans and programmes" to take in virtually "all plans, programmes and strategies." This could make Scotland "a world leader" in SEA (SEEG 2004b) – in part because it was claimed that "strategies" were policies and thus SEA in Scotland would remedy the limitations of the SEA Directive (Jackson and Illsley 2006; 2007; Scottish Executive 2006, p.5[60]). Therefore, it is important to review the outcomes of the Scottish application of SEA to consider the general implications, potentially at the European Union level, of broadening the application of SEA.

First, regardless of the claims, SEA in Scotland does not necessarily apply to policies. Rather, the SEA Act means that a broader range of public sector organisations must engage with SEA. To determine what public sector organisations must engage with SEA requires identifying what are Scottish "public authorities." As this thesis discussed, this is elusive, in particular because of the increasing privatisation of services once supplied by central or local government. Therefore proposals may be made to apply a measure, such as SEA, broadly, but assessing where it *should be* undertaken can be open to interpretation. Where it *had been* undertaken was also difficult to assess because the SEA Gateway, which in theory could provide such information, did not. The SEA Gateway is now attempting to make such information more readily publicly available (Scottish Government 2009b).

Second, despite an overview of SEA undertaken not being readily available, it was clear that SEA has not been applied in all cases where PPSs are likely to have significant environmental effects. This may result from a lack of awareness of the SEA process – particularly among public bodies that do not routinely undertake environmental assessment or were not identified by the SEA Directive. Arguably, this creates opportunities for legal challenge on the basis of non-compliance with the SEA Act. However, undertaking a legal challenge requires standing and resources, therefore challenges are most likely to occur on PPSs where people have an interest – such as plans which govern the location of land use development.

Therefore the process of legal challenge does not act as a trigger for SEA to be undertaken, particularly in Scotland where the SEA Act was intended to be applied so broadly. This reflects on a third issue. SEA creates opportunities for consultation. It was clear from the analysis presented by this thesis that there was limited public participation in SEA. The heavy involvement of the experts consulted on SEA, the Consultation Authorities,

also meant that their expertise dominated other consultation responses in the reporting of public comments. However, if SEA *had been* undertaken of *all* plans, programmes and strategies it is unlikely many more or different people would have got involved in SEA (beyond those producing the reports). Additionally, unless more resources were supplied Consultation Authority involvement in any particular SEA would have been reduced.

Fourth, the analysis of SEA Documents (in particular SEA environmental reports) showed there was duplication between documents. Similarities between PPS, such as they apply to the same geographic area or are taken forward by the same organisation, could lead to similarities in SEA documents. Guidance from the Scottish Executive (now Scottish Government) encourages regularity in reporting. This drive towards producing regular outputs is likely to exist in other jurisdictions – for example, in England and other European Member States. The administration of a process is aided by the outputs being similar, so the broader the application of SEA the greater need for such regularity.

However, particularly where large chunks of text are transposed from one document to another, duplication could indicate limited investment in the SEA process by the author(s). Again if SEA *had been* undertaken of *all* plans, programmes and strategies this is likely to increase the overall volume of duplication – whether as a result of templates, similarities between PPSs, or just general copying. Simultaneously, the wider application of SEA dilutes the ability of Consultation Authorities and others to review the reports, thus problematic duplication is less likely to be detected. There would be no time for people to pay attention to the content of the reports. Therefore, full compliance with the SEA Act could counteract rather than promote 'transparency.'

The limited involvement in SEA and the duplication of reports, more generally reflects on procedures being linked to the delivery of environmental justice. The social processes that govern the use of those procedures influence their outcomes. Merely supplying procedures does not necessarily support the aims of particular policies. A wealth of criticism already indicates that opportunities for participation do not necessarily support the elusive 'transparency' or environmental justice (e.g. Lee and Abbott 2003). Therefore, an honest assessment is required of how such policies are likely to be, or have been, used. Thus, following Holder and McGillivray 2007, a broader consideration of the general efficacy of accountability mechanisms, such as SEA, is required. Duplication has implications for the study of SEA – it highlights a need for further research into the social construction of the reporting process. The next section examines further opportunities for research.

7.2 Areas for future research

This thesis has already highlighted a variety of areas for future research. For example, the involvement in SEA consultation processes reported in Chapter 6 noted that it would be fruitful to assess this against involvement, particularly by environmental NGOs, in planning processes more generally. However, to focus this section two areas that offer potential for future research are examined in detail. Section 7.2.1 reviews the possibilities for research concerned with policy promotion and interpretation and Section 7.2.2 those associated with the use and interpretation of research evidence.

7.2.1 Policy interpretation and promotion

This thesis focused on the promotion, use, and interpretation of the policy objective environmental justice within Scottish SEA. Research work had already reviewed how professionals' interpreted environmental justice or other related concepts such as sustainability. However, fewer studies employed naturally occurring (rather than generated) data to review how terms *have been* promoted, used and interpreted. This research was restricted to one policy objective (environmental justice), one mechanism linked to that objective (SEA) and largely to one location (Scotland). Thus further research work could review how different policy objectives (such as social cohesion or social exclusion), are put into operation via a range of mechanisms, in different locations.

This thesis drew attention to potential conflicts between the procedural requirements of SEA, and other legislation thought to contribute to environmental justice. Therefore, there is need for further examination of the theoretical and practical outcomes of attempting to apply SEA to a range of different plans, programmes and strategies. In particular, how application of SEA may conflict with other administrative or legislative procedures. This could be done through desk-based research of the potential interpretations of procedures set out in legislation, empirically via in-depth case studies or both.

Environmental justice appeared in the Partnership Agreement's introduction. This introductory text was akin to a mission or vision statement. Such statements have an ostensive aim of providing a clear statement of a company's core goals and values communicable to each employee (Cameron 2001). This observation connects environmental justice to part of an attempt at national branding, also exemplified by the desire for Scotland to be a "world leader" in SEA (SEEG 2004b). This form of inflated rhetoric has continued with the Scottish Government's development of the "world-leading" Climate Change

(Scotland) Act 2009.[171] It is also evident from the 2009 "Homecoming" campaign which "extended an invitation to Scotland's people at home and abroad to reconnect with our great country" (EventScotland and VisitScotland 2010; also the analysis in Mullen 2009).

This demonstrates that sub-national governments, such as the devolved Scottish Executive and now Scottish Government, use policy objectives and legislation to promote their country at the national and international level. This simultaneously increases the general profile of such policy objectives and legislation. Promotional activity is not restricted to sub-national government, for example Naomi Klein (2010) has recently commented on the breadth and the impact of the US's "Obama brand." However, the power to legislate on matters independent of the wider UK appears to be being used by Scotland to profile particular topics and promote the country at a European level. It would be constructive to conduct a detailed examination of the extent to which such inflated rhetoric is being employed, and how or whether this relates to the perception and acceptance of different government initiatives by people within Scotland.

The rhetoric built into particular legislation, and how this rhetoric influences how such legislation is perceived, merits further attention. There have been calls to reconceptualise SEA – to alter the rhetoric so that it better reflects SEAs purpose of contributing to sustainable decision-making (however 'sustainable' is conceived) (e.g. Bina 2003). Media reports and NGOs often promoted SEA as a tool with capacity to generate and assess high level alternatives to projects, although in reality this function is often limited. Further research could focus on how the rhetoric built into the SEA process, for example that of alternatives, is employed and the effect this rehetoric has on perspectives of what this process can currently offer.

7.2.2 The use and interpretation of research evidence

This thesis began a preliminary investigation of how research into environmental justice had been used. It was found that the outcomes of environmental justice research were misinterpreted within the SEA process. How to get research better connected to policy and the need for policy decisions to be 'evidence-based' is of persistent concern. Further research studies could usefully explore the implications of using particular research work to inform policy – considering Scandrett's (2007) initial criticism of how research can influence the character of the policy objective environmental justice.

[171] "Scotland's ground-breaking legislation has attracted plaudits from around the world, including from Arnold Schwarzenegger, [action film-hero and] Governor of California" (Scottish Government 2009d).

A form of research, the Scottish Index of Multiple Deprivation (SIMD), was used to identify 'environmental justice' population groups. This thesis highlighted that similar indicators of deprivation are used around the world to inform decisions about the allocation of public sector funding. There has been some assessment of how indices of deprivation are used in the UK – listing initiatives that they have supported (Deas et al 2003). However, general studies on how such indicators are used and interpreted have not been undertaken. Therefore, studies could usefully review the outcomes and implications of use of these indicators in different administrative circumstances.

SEA is a research process that intends to inform public sector decision making. As Chapter 3 identified, that research often takes the form of extensive reviews summarising the content of environmental reports (e.g. Short et al 2004; Thérivel and Walsh 2006; Kørnøv 2009) and in-depth case studies often written from the perspective of practitioners or others actively engaged in SEA (e.g. Bina 2003; Hildén et al 2004). Further research work could follow this thesis by focusing on the inter-relation between SEA environmental reports from different PPSs, assessing the importance of these inter-relations to the final content of the documents.

When undertaking the content analysis of the economic, social, health and distributive aspects of reports, it became clear that previous studies had used the categories 'economic' and 'social' without fully defining these terms, without showing how categorisations were made and failing to say where the information appeared in the environmental reports (Fischer 2002). However, undertaking the study and taking account of these factors was time consuming and also created its own limitations. Future research could fruitfully review existing studies in detail, to make proposals for how these limitations could be remedied or better acknowledged in future SEA or other documentary analysis work.

During the course of this thesis a large number of SEA documents and information about the SEA process was amassed. It would be possible to undertake further research on the 'transparency' of the SEA process and the administrative arrangements for SEA. For example, in light of the low number of pre-screening statements, the relationship to and perception of public authority representatives to the SEA process could be examined. With regards to the promotion of research evidence it would be constructive to review, in detail, who attended events linked to environmental justice and SEA and consider why they did so. Particularly because comparing attendance lists often revealed that the same people participated in similar events.

Such participation influenced whether and how people used the concept of environmental justice. A workshop, organised for the purpose of this thesis, at the Scotland

and Northern Ireland Conference on SEA in October 2008 in Glasgow, asked people to discuss the relationship between SEA and environmental justice. An inadvertent result of this workshop is that one Scottish local authority representative is now trying to mobilise the concept of environmental justice within SEA. Environmental justice appears to have an over-riding virtuous appeal. However, as with sustainable development, it can be interpreted and employed in diverse and often contradictory ways. Overall, this thesis concludes that environmental justice as a policy objective should be treated with caution. Who are the real winners and losers from the promotion of this policy? This merits further examination.

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International Conventions and Declarations

Aarhus Convention	United Nations Economic Commission for Europe (1998) Convention on Access to Information, Public participation in Decision-Making and Access to Justice in Environmental Matters. 38 International Legal Materials [ILM] 517.
Convention on Biological Diversity	United Nations Environmental Programme (1992) Convention on Biological Diversity. 31 ILM 822.
ECHR	European Convention on Human Rights and Fundamental Freedoms. Council of Europe. European Treaty Series. No. 005 [as amended].
Espoo EIA Convention	United Nations Economic Commission for Europe (1991) Convention on environmental impact assessment in a transboundary context. Done at Espoo (Finland), on 25 February 1991. 30 ILM 802.
Helsinki Declaration	Organisation for security and co-operation in Europe (1975) Helsinki Final Act. 14 ILM 1292
Johannesburg Declaration	United Nations Environmental Programme (2002) Johannesburg Declaration on Sustainable Development. A/CONF.199/20.
Kiev Protocol	UNECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kiev 2003).ECE/CEP/94/Rev/.
Rio Declaration	United Nations Conference on Environment and Development (1992) Rio Declaration on Environment and Development. 31 ILM 874.

European Union Legislation

Primary Treaties

Treaty of Amsterdam	Treaty of Amsterdam Amending the treaty on European Union, the Treaties establishing the European Communities and Certain related Acts. *Official Journal of the European Union*. C 340. 10 November 1997. p.1.

Secondary legislation

	Directive 79/409/EEC on the conservation of wild birds. *Official Journal of the European Union*. L 103. 25 April 1979 pp.1-18.
EIA Directive	Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. *Official Journal of the European Union*. L 175. 05 July 1985. pp.40-48.

Habitats Directive	Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. *Official Journal of the European Union*. L 206. 22 July 1992. pp.7-50.
EIA Directive	Directive 97/11/EC amending Directive 85/337/EEC. *Official Journal of the European Union*. L 73. 14 March 1997. pp.5-15.
SEA Directive	Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. *Official Journal of the European Union*. L 197. 21 July 2001. pp.30-37.
Water Framework Directive	Directive 2000/60/EC of The European Parliament and of The Council of 23 October 2000 establishing a framework for Community action in the field of water policy. *Official Journal of the European Union.* L 327. 22 December 2000. pp.1-73.
	Directive 2003/4/EC on Public Access to Environmental Information and repealing Council Directive 90/313/EEC. *Official Journal of the European Union*. L 041 14 February 2003 pp.26-32.
Public Participation Directive	Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to participation access to justice Directives 85/337/EEC and 96/61/EC. *Official Journal of the European Union*. L156 25 June 2003. pp.17-24.

Proposed legislation

Proposed Access to Justice Directive	European Commission. Proposal for a Directive of the European Parliament and of the Council on Access to Justice in Environmental Matters. Environment Directorate-General 2003 COM (2003) 624 Final. 24 October 2003.

Scottish Statutes

	Abolition of Bridge Tolls (Scotland) Act 2008. asp 1. OPSI.
Climate Change Act	Climate Change (Scotland) Act. asp 12. Office of Public Sector Information (OPSI).
SEA Bill	Environmental Assessment (Scotland) Bill 2004.
SEA Act	Environmental Assessment (Scotland) Act 2005. asp 15. OPSI.
	Freedom of Information (Scotland) Act 2002. asp 13. OPSI.
	Local Government etc. (Scotland) Act 1994. c.39. OPSI.
	Local Government in Scotland Act 2003. asp 1. OPSI.
Planning Bill	Planning etc. (Scotland) Bill 2005.
Planning Act	Planning etc. (Scotland) Act 2006. asp 17. OPSI.
	The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008.

No.427. OPSI.

Town and Country Planning (Scotland) Act 1997. c.8. OPSI.

Transport (Scotland) Act 2005. asp 12. OPSI.

Union with England Act 1707. c.7. OPSI.

Scottish Statutory Instruments

EIA Regulations — Environmental Assessment (Scotland) Regulations 1988. Scottish Statutory Instrument (SSI) 1988 No.1221. OPSI.

EIA Regulations — Environmental Impact Assessment (Scotland) Regulations 1999. SI 1999 No.1. OPSI.

Environmental Information (Scotland) Regulations 2004. SSI 2004 No.258. OPSI.

Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. SSI 2004 No.258. OPSI.

Pollution Prevention and Control (Scotland) Regulations 2000. SSI 2000 No. 323. OPSI.

UK Statutes

Climate Change Act 2008. c.27. OPSI.

European Community Act 1972. c.68. OPSI.

Freedom of Information Act 2000. c.36. OPSI.

Human Rights Act 1998. c.42. OPSI

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Scotland Act 1998. c.46. OPSI.

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UK Statutory Instruments

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Conservation (Natural Habitats &c) Regulations 1994. SI 1994 No.2716. OPSI.

Environmental Assessment (Scotland) Amendment Regulations 1994. SI 1994 No.2012. OPSI.

Town and Country Planning (Development Plan) (England) Regulations 1999. SI 1999 No.3280. OPSI.

Environmental Impact Assessment (Uncultivated Land and Semi-

	natural Areas) (Scotland) Regulations 2002. SI 2002 No.6. OPSI.
	Environmental Assessment of Plans and Programmes Regulations 2004. SI 2004 No.1633. OPSI.
Wales	
	Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 SI 2004 No.1656 (W170).
Northern Ireland	
Northern Irish SEA Regulations	Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004. Statutory Rule 2004 No.280. OPSI.
	The Planning Reform (Northern Ireland) Order 2006. Statutory Instrument (SI) 2006 No. 1252 (N.I. 7). OPSI.
	The Planning (Amendment) (Northern Ireland) Order 2003. SI 2003 No. 430 (N.I. 8). OPSI.
	Planning (Northern Ireland) Order 1991. SI 1991 No. 1220 (N.I. 11). OPSI.
Northern Irish Best Value Act	The Local Government (Best Value) Act (Northern Ireland) 2002. Chapter 4. OPSI.
Canada	
	Canadian Environmental Assessment Act 1992. c.37. Department of Justice. Canada.
Czech Republic	
EIA Act	Act on Environmental Impact Assessment of Development Conceptions and Programmes. Act No. 100/2001 Coll. This act renamed Act No. 244/1992 Coll., of 15 April 1992, on Environmental Impact Assessment, amended by Act No. 132/2000 Coll. Act No. 244/1992 was abolished by Act No. 93/2004 Coll.
Hong Kong	
	Environmental Impact Assessment Ordinance. Cap 499. Legislation of Hong Kong Government.
USA	
NEPA	The US National Environmental Policy Act 1969. Public Law (Pub. L.) 91-190, 42 United States Congress (USC) 4321-4347, 1 January 1970, as amended by Pub. L. 94-52, 3 July 1975, Pub. L. 94-83, 9 August 1975, and Pub. L. 97-258, § 4(b), 13 September 1982.
Executive Order	Executive Order 12898 of 11 February 1994. Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations. Title 3– The President. *Federal Register*. 59(32). 16 February 1994.

List of cases

Abbreviations used in reference to cases

AC	Law Reports, Appeal Cases
All E.R.	All England Law Reports
C.M.L.R.	Common Market Law Reports
Env.L.R.	Environmental Law Report
E.H.R.R.	European Human Rights Reports
EWCA Civ	Court of Appeal Civil Division
EWHC (Admin)	High Court (Administrative Court)
NIQB	Northern Ireland Queens Bench

European Court of Justice

Abraham v Region Wallonne (C-2/07) Also known as: Abraham v Wallonia (C-2/07) [2008] Env.L.R. 32.

Foster v British Gas Plc (C-188/89) [1990] E.C.R. I-3313; [1990] 2 C.M.L.R. 833 at [20].

Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (C127/02) Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (C127/02). [2005] 2 C.M.L.R.. 31 [2005] Env.L.R. 14.

Marangopoulos Foundation for Human Rights (MFHR) v Greece (30/2005) (2007) 45 E.H.R.R.. SE11.

United Kingdom

Bard Campaign v Secretary of State for Communities and Local Government [2009] EWHC 308 (Admin).

Berkeley v Secretary of State for the Environment and Fulham Football Club [2001] 2 AC 603. (Berkeley No.1)

City and District Council of St. Albans v Secretary of State for Communities and Local Government Hertfordshire CC v Secretary of State for Communities and Local Government [2009] EWHC 1280 (Admin).

D & J Nicol v Trustees of the Harbour of Dundee Harbour 1915 SC 9HL.

Poplar Housing and Regeneration Community Association Ltd v Donoghue [2001] EWCA Civ 595, [2002] QB 48.

R (on the application of Bard Campaign) v Secretary of State for Communities and Local Government [2009] EWHC 624 (Admin); [2009] NPC 16.

R (on the application of Boggis) v Natural England [2009] EWCA Civ 1061; Times, December 08, 2009.

R (on the application of Howsmoor Developments Ltd) v South Gloucestershire CC R. [2008] EWHC 262 (Admin); [2008] Env.L.R. 38.

R v St Edmundsbury Borough Council, ex parte Walton [1999] Env.L.R. 879.

R (Goodman) v London Borough of Lewisham [2003] Env.L.R. 28.

Scottish People's Welfare Council 1987 SLT 179 at 186

Seaport Investments Ltd's Application for Judicial Review, Re [2007] NIQB 62; [2008] Env.L.R. 23.(Seaport Investments)

R (Heather) v Leonard Cheshire Foundation [2002] EWCA Civ 366, [2002] 2 All E.R. 936.

YL v Birmingham City Council & Ors [2007] 3 WLR 112; [2007] UKHL 27. (YL)

Appendix A

Talks attended during the time span of this thesis that link to environmental justice, SEA or Scottish policy debates more generally

Date	*Talk Title*	*Organiser*	*Speakers name and organisation (organisations are italicised)*	*Location*
12 Nov 04	Corporate Social Responsibility [CSR] and Environmental Justice: Evaluating variations in the environmental performance of the oil and gas sector	Graduate School of Environmental Studies (GSES)	Andrew Gouldson, *University of Leeds*	University of Strathclyde
10 Feb 05	Strategic Environmental Assessment	Elsa João	Riki Thérivel, *Levett-Therivel*	University of Strathclyde
25 Feb 05	Having an Impact? - Context elements for effective SEA application in transport policy, plan and programme making	GSES	Thomas Fischer, *University of Liverpool*	University of Strathclyde
01 Oct 05	Environmental Justice: Fact, fiction or geographic artefact	GSES	David Briggs, *Imperial College London*	University of Strathclyde
30 Jan 06	Talk about student life today, top up fees, War in Iraq and several other issues.	University of Strathclyde Students Association (USSA)	Nicol Stephen, *Scottish Executive*	University of Strathclyde
27 May 06	There never was a West: Democracy as interstitial cosmopolitanism	rg2 (radical geographies reading group) and AK Press	David Graeber, *Yale University*	University of Glasgow
01 Nov 06	The Scales of Social Justice	University of Glasgow	Ruth Lister, *Loughborough University*	University of Glasgow
13 Nov 06	SEA: An NGO Perspective	Elsa João	Lisa Palframan, *Royal Society for the Protection of Birds (RSPB)*	University of Strathclyde
20 Nov 06	SEA Pathfinder Project	Elsa João	Natasha Madeira, *EnviroCentre*	University of Strathclyde
4 Dec 06	The role of consultation authorities in the implementation of the SEA Act in Scotland (and SEA regulations in the UK)	Elsa João	Neil Deasley, *Scottish Environment Protection Agency (SEPA)*	University of Strathclyde
19 Apr 07	The End of Capitalism or the End of the World	Department of Geography & Sociology	Alastair McIntosh, , *University of Strathclyde* and Joel Kovel	University of Strathclyde
15 Oct 07	What is environmental justice?	Anna McLauchlan	Cairneen Ros, *Agent for Environmental Justice*	University of Strathclyde
29 Oct 07	Has Cumulative Effects Assessment (DEA) Been Undertaken Adequately As a Statutory Component of Strategic Environmental Assessment (SEA) in Scotland?	Elsa João	Peter Phillips, *Envirocentre*	University of Strathclyde
12 Nov 07	SEA in Perth & Kinross	Elsa João	Graham Esson, *Perth & Kinross Council*	University of Strathclyde
19 Nov 07	SEA and Sustainability Work at Clackmannanshire Council	Elsa João	Rebecca Bell & Lesley Deans, *Clackmannanshire Council*	University of Strathclyde
21 Nov 07	Geospatial Expert evidence in the Criminal Courts	David Livingstone Centre for Sustainability (DLCS)	Mike Sutton, *Institution of Civil Engineers*	University of Strathclyde

Date	*Talk Title*	*Organiser*	*Speakers name and organisation (organisations are italicised)*	*Location*
03 Dec 07	The Role of Consultation Authorities in the Implementation of the SEA Act in Scotland (and SEA Regulations in the UK), and a discussion of recent SEA carried out by SEPA (e.g. The Glasgow Clyde Valley Area Waste Plan Alteration)	Elsa João	Neil Deasley, *SEPA*	University of Strathclyde
10 Dec 07	The Scottish Executive SEA Pathfinder Project	Elsa João	Natasha Madeira, *EnviroCentre*	University of Strathclyde
21 Feb 07	How sustainable is sustainability	DLCS	Nick Tyler, *University College London*	University of Strathclyde
23 Mar 07	A Stern warning: The economics of climate change	Elsa João	Evan Williams, *The Climate Project*	University of Strathclyde
17 Nov 08	A New Method for Strategic Environmental Assessment – The SE Plan Example	Elsa João	Lewis Hurley, *Scott Wilson*	University of Strathclyde

Documentation was gathered including electronic or hard copies of any presentations made and background information about participants, notes were taken or the talk was audio recorded.

Appendix B

The 255 plans, programmes or strategies that entered the Scottish SEA process (21 Jul 04 – 20 Nov 07)

SEPA No.	*Plan, Programme or Strategy Name*	*Responsible Authority*	*Start Date (A)*	*Entry Stage (B)*	*Status (C)*	*Organisation Type (D)*	*SEA Driver (E)*	*Geographic Area (F)*	*Country (G)*	*Sector (H)*
1	West Dunbartonshire Local Plan	West Dunbartonshire Council	18 Aug 2004	Screening	5	Local Authority	Regs.	Local	Scotland	Planning
2	Falkirk Local Plan (Final)	Falkirk Council	21 Jul 2004	Env. Report	5	Local Authority	Voluntary	Local	Scotland	Planning
3	Aberdeen City Local Transport Strategy	Aberdeen City Council	07 Oct 2004	Screening	4	Local Authority	Regs.	Local	Scotland	Transport
4	Glasgow & Clyde Valley Structure Plan	Glasgow & Clyde Valley Structure Plan Team	01 Nov 2004	Scoping	5	Other Public Body	Regs.	Regional	Scotland	Planning
5	City Plan 2 - Glasgow Local Plan	Glasgow City Council	11 Nov 2004	Screening	5	Local Authority	Regs.	Local	Scotland	Planning
6	Sustainable Falkirk Strategy	Falkirk Council	10 Dec 2004	Screening	2	Local Authority	Regs.	Local	Scotland	Other
7	Communities Scotland Corporate Plan	Communities Scotland	13 Dec 2004	Screening	2	Other Public Body	Voluntary	National	Scotland	Other
8	East Ayrshire Local Plan Alteration to Local Plan	East Ayrshire Council	20 Dec 2004	Screening	5	Local Authority	Regs.	Local	Scotland	Planning
9	Loch Lomond & Trossachs National Park Plan	Loch Lomond & Trossachs National Park Authority	06 Jan 2005	Scoping	5	Local Authority	Regs.	Local	Scotland	Tourism
10	Granton Waterfront Supplementary Planning Guidance	City of Edinburgh Council	06 Jan 2005	Screening	5	Local Authority	Regs.	Small Area	Scotland	Planning
11	Deer Commission Corporate Plan	Deer Commission for Scotland	28 Jan 2005	Screening	2	Other Public Body	Regs.	National	Scotland	Agriculture
12	Orkney Council Renewable Energy Framework	Orkney Islands Council	17 May 2005	Scoping	4	Local Authority	Regs.	Local	Scotland	Energy
13	Highlands and Islands Airports Ltd Corporate Plan	Highlands and Islands Airports Ltd	16 Mar 2005	Screening	2	Private Company	Regs.	Small Area	Scotland	Transport
14	Cairngorms National Park Plan	Cairngorms National Park Authority	21 Mar 2005	Screening	6	Local Authority	Regs.	Local	Scotland	Tourism
15	Cairngorms National Park Local Plan	Cairngorms National Park Authority	21 Mar 2005	Screening	5	Local Authority	Regs.	Local	Scotland	Planning
16	Moray Development Plan	Moray Council	31 Mar 2005	Scoping	5	Local Authority	Regs.	Local	Scotland	Planning
17	Argyll & Bute Local Plan	Argyll & Bute Council	04 Apr 2005	Screening	5	Local Authority	Regs.	Local	Scotland	Planning
18	South Lanarkshire Local Plan	South Lanarkshire Council	15 Apr 2005	Scoping	5	Local Authority	Regs.	Local	Scotland	Planning
19	Aberdeenshire Rural Typologies and Locally Valued Views Strategies	Aberdeenshire Council	21 Jun 2005	Screening	2	Local Authority	Regs.	Local	Scotland	Planning
20	Edinburgh City Local Plan	City of Edinburgh Council	27 Jun 2005	Scoping	4	Local Authority	Regs.	Local	Scotland	Planning
21	MidLothian Local Plan	Midlothian Council	11 Nov 2005	Scoping	5	Local Authority	Regs.	Local	Scotland	Planning
22	Offshore Energy Licencing Round 24	Department of Trade and Industry	03 Aug 2005	Scoping	5	Other Public Body	Other	Other	UK	Energy
23	Onshore Oil and Gas Licencing	Department of Trade and Industry	22 Aug 2005	Scoping	5	Other Public Body	Other	Other	UK	Energy
24	Aberdeenshire Local Transport Strategy	Aberdeenshire Council	26 Aug 2005	Scoping	6	Local Authority	Regs.	Local	Scotland	Transport
25	Scottish Water Sludge Strategy	Scottish Water	11 Oct 2005	Scoping	5	Other Public Body	Regs.	National	Scotland	Waste Management
26	Nuclear Decommissioning Strategy	Nuclear Decommissioning Agency	11 Aug 2005	Env. Report	5	Other Public Body	UK Regs.	Other	UK	Energy
27	Clackmannanshire Local Transport Strategy	Clackmannanshire Council	31 Oct 2005	Scoping	5	Local Authority	Regs.	Local	Scotland	Transport
28	National Transport Strategy	Scottish Executive	04 Nov 2005	Screening	6	Scottish Government	Regs.	National	Scotland	Transport
29	Scottish Forestry Strategy	Forestry Commission Scotland	11 Nov 2005	Scoping	6	Other Public Body	Regs.	National	Scotland	Forestry
30	Draft Highland Renewable Energy Strategy	Highland Council	24 Nov 2005	Scoping	4	Local Authority	Voluntary	Local	Scotland	Energy
31	Fife Matters - Fife Structure Plan 2006-2026	Fife Council	30 Nov 2005	Scoping	4	Local Authority	Regs.	Local	Scotland	Planning
32	Freshwater Fisheries and Aquaculture	Scottish Executive	01 Dec 2005	Scoping	5	Scottish Government	Regs.	National	Scotland	Fischeries
33	SPP6: Renewable Energy	Scottish Executive	14 Dec 2005	Scoping	5	Scottish Government	Regs.	National	Scotland	Energy
34	East Renfrewshire Local Plan	East Renfrewshire Council	14 Dec 2005	Scoping	5	Local Authority	Regs.	Local	Scotland	Planning
35	West Lothian Council Local Transport Strategy	West Lothian Council	16 Dec 2005	Scoping	4	Local Authority	Regs.	Local	Scotland	Transport
36	Caltongate Masterplan - Redevelopment of New Street Bus Station B152 and Neighbouring Land	City of Edinburgh Council	19 Dec 2005	Screening	6	Local Authority	Regs.	Small Area	Scotland	Planning

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37	Scottish Historic Environment Policy Series	Historic Scotland	23 Dec 2005	Scoping	5	Consultation Authority	Voluntary	National	Scotland	Other
38	Arc21 Waste Management Plan	Eastern Region of Northern Ireland	13 Jan 2006	Scoping	5	Other Public Body	Other	Other	UK	Waste Management
39	North Aryshire Local Plan	North Ayrshire Council	16 Jan 2006	Screening	5	Local Authority	Regs.	Small Area	Scotland	Planning
40	Isle of Arran Local Plan	North Ayrshire Council	16 Jan 2006	Screening	5	Local Authority	Regs.	Small Area	Scotland	Planning
41	Cairngorms National Park: Forest and Woodland Framework	Cairngorms National Park Authority	25 Jan 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Forestry
42	Highlands and Islands ERDF Operational Programme 2007-2013	Scottish Executive	30 Jan 2006	Screening	6	Scottish Government	Regs.	Regional	Scotland	Other
43	South Ayrshire Council Core Path Plan	South Ayrshire Council	30 Jan 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Tourism
44	Cairngorms National Park: Outdoor Access Strategy	Cairngorms National Park Authority	30 Jan 2006	Screening	5	Local Authority	Regs.	Local	Scotland	Tourism
45	Highlands and Islands Transport Partnership (HITRANS) - Regional Transport Strategy	Highlands and Islands Transport Partnership	04 Jul 2006	Scoping	5	Other Public Body	Regs.	Regional	Scotland	Transport
46	National Hazardous Waste Management Plan	Irish Environmental Protection Agency	09 Feb 2006	Screening	2	Other Public Body	Other	Other	EU	Waste Management
47	Edinburgh Local Transport Strategy	City of Edinburgh Council	10 Feb 2006	Scoping	5	Local Authority	Regs.	Local	Scotland	Transport
48	Scottish Marine Renewables Plan	Scottish Executive	24 Feb 2006	Scoping	5	Scottish Government	Regs.	National	Scotland	Energy
49	Lowlands and Uplands ERDF Operational Programme 2007-2013	Scottish Executive	01 Mar 2006	Screening	6	Scottish Government	Regs.	Regional	Scotland	Other
50	Lowlands and Uplands ESF Structural Funds Programme	Scottish Executive	01 Mar 2006	Screening	2	Scottish Government	Regs.	Regional	Scotland	Other
51	Highlands and Islands ESF Operational Programme 2007-2013	Scottish Executive	01 Mar 2006	Screening	2	Scottish Government	SEA Act	Regional	Scotland	Other
52	Ardeer Peninsula Masterplan	North Ayrshire Council	07 Mar 2006	Screening	4	Local Authority	SEA Act	Local	Scotland	Planning
53	Core Path Plans	City of Edinburgh Council	09 Mar 2006	Screening	4	Local Authority	Regs.	Local	Scotland	Tourism
54	Renewable Energy	Moray Council	09 Mar 2006	Scoping	4	Local Authority	SEA Act	Local	Scotland	Energy
55	West Edinburgh Planning Framework Review	Scottish Executive	14 Mar 2006	Scoping	5	Scottish Government	Regs.	Small Area	Scotland	Planning
56	Regional Economic Strategy Review 2006	One NorthEast	31 Mar 2006	Env. Report	5	Other Public Body	UK Regs.	Other	UK	Other
57	Rural Development Programme for Scotland (SRDP) 2007–2013	Scottish Executive	04 Apr 2006	Scoping	5	Scottish Government	Regs.	National	Scotland	Planning
58	Stirling Council Core Path Plan	Stirling Council	05 Apr 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Tourism
59	Biomass Energy and the Natural Heritage	Scottish Natural Heritage (SNH)	06 Apr 2006	Scoping	5	Consultation Authority	Voluntary	National	Scotland	Energy
60	Western Isles Local Plan	Comhairle nan Eilean Siar	26 Apr 2006	Scoping	3	Local Authority	Regs.	Local	Scotland	Planning
61	MidlothianCouncil - Core Path Plans	Midlothian Council	02 May 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
62	Clackmannanshire and Stirling Structure Plan Third Alteration	Stirling Council	04 May 2006	Scoping	5	Local Authority	Regs.	Local	Scotland	Tourism
63	Lochaber Local Plan	Highland Council	08 May 2006	Scoping	4	Local Authority	Regs.	Small Area	Scotland	Planning
64	Sutherland Local Plan	Highland Council	08 May 2006	Scoping	4	Local Authority	Regs.	Small Area	Scotland	Planning
65	Skye and Lochalsh Local Plan	Highland Council	08 May 2006	Scoping	4	Local Authority	Regs.	Small Area	Scotland	Planning
66	Banff and Macduff Landscape Environment Improvement Strategy	Aberdeenshire Council	10 May 2006	Screening	2	Local Authority	Regs.	Small Area	Scotland	Planning
67	Cairngorms National Park Authority Core paths plan	Cairngorms National Park Authority	24 May 2006	Screening	4	Local Authority	Regs.	Local	Scotland	Tourism
68	St Andrews and East Fife - Local Plan	Fife Council	30 May 2006	Scoping	4	Local Authority	Regs.	Small Area	Scotland	Planning
69	Glasgow Local Transport Strategy	Glasgow City Council	30 May 2006	Scoping	6	Local Authority	SEA Act	Local	Scotland	Transport
70	Local Transport Strategy	East Renfrewshire Council	05 Jun 2006	Scoping	5	Local Authority	SEA Act	Local	Scotland	Transport
71	Structure Plan Alteration No.1 Indicative Forestry Strategy	Perth & Kinross Council	08 Jun 2006	Screening	4	Local Authority	Regs.	Local	Scotland	Planning
72	Core Path Plans	Aberdeen City Council	08 Jun 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Tourism
73	Objective 3 Transnational Cooperation Programme North West Europe		14 Jun 2006	Scoping	5	Other Public Body	Other	Other	EU	Other
74	Objective 3 North Sea Programme		22 Jun 2006	Scoping	4	Other Public Body	Other	Other	EU	Other
75	Inverclyde Core Path Plan	Inverclyde Council	23 Jun 2006	Screening	3	Local Authority	SEA Act	Local	Scotland	Tourism
76	Midlothian Local Transport Strategy	Midlothian Council	28 Jun 2006	Scoping	6	Local Authority	Regs.	Local	Scotland	Transport
77	Regional Transport Strategy	North East Scotland	05 Jul 2006	Scoping	5	Other Public Body	Regs.	Regional	Scotland	Transport

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78	Highland Council Access Strategy 2006 - 2011	Highland Council	06 Jul 2006	Screening	5	Local Authority	Regs.	Local	Scotland	Tourism
79	Outer Hebrides Creative Industries Strategy 2006-2009	Highlands and Islands	10 Jul 2006	Screening	2	Other Public Body	Regs.	Regional	Scotland	Other
80	South East Scotland Regional Transport Strategy	South East Scotland	12 Jul 2006	Scoping	5	Other Public Body	SEA Act	Regional	Scotland	Transport
81	Shetland Regional Transport Strategy	Shetland Regional Transport	12 Jul 2006	Scoping	5	Other Public Body	SEA Act	Regional	Scotland	Transport
82	Natural Futures Prospectuses Update	Scottish Natural Heritage (SNH)	13 Jul 2006	Screening	2	Consultation Authority	SEA Act	National	Scotland	Other
83	Lothian and Borders Area Waste Plan Alteration No.1	SEPA	13 Jul 2006	Scoping	5	Consultation Authority	Regs.	Regional	Scotland	Water Management
84	Local Transport Strategy	East Ayrshire Council	18 Jul 2006	Scoping	4	Local Authority	SEA Act	Local	Scotland	Transport
85	Operational Policy Paper No. 2/06: Support for The Volunteer Sector	Historic Scotland	20 Jul 2006	Scoping	5	Consultation Authority	Voluntary	National	Scotland	Other
86	East Dunbartonshire Local Plan	East Dunbartonshire Council	25 Jul 2006	Screening	4	Local Authority	SEA Act	Local	Scotland	Planning
87	Glasgow & Clyde Valley Area Waste Plan Alteration No.1	SEPA	25 Jul 2006	Scoping	5	Consultation Authority	Regs.	Regional	Scotland	Water Management
88	A Forward Strategy for Scottish Agriculture: Next Steps	Scottish Executive	25 Jul 2006	Scoping	5	Scottish Government	SEA Act	National	Scotland	Agriculture
89	Local Biodiversity Action Plan	Fife Council	28 Jul 2006	Screening	5	Local Authority	SEA Act	Local	Scotland	Other
90	Scottish Enterprise Operating Plan	Scottish Enterprise	24 Jul 2006	Scoping	6	Other Public Body	Regs.	National	Scotland	Other
91	Strategic Vision for Deer Management	Deer Commission for Scotland	01 Aug 2006	Screening	5	Other Public Body	SEA Act	National	Scotland	Agriculture
92	Operational Plan 2007-2010	Highlands and Islands Enterprise	03 Aug 2006	Scoping	6	Other Public Body	SEA Act	Regional	Scotland	Other
93	Local Housing Strategy 2006-11	Aberdeen City Council	03 Aug 2006	Scoping	4	Local Authority	SEA Act	Local	Scotland	Planning
94	A96 Corridor Masterplan Stage 2	Highland Council	11 Aug 2006	Scoping	5	Local Authority	Regs.	Small Area	Scotland	Transport
95	North Lanarkshire Council - Local Plan	North Lanarkshire Council	11 Aug 2006	Scoping	5	Local Authority	Regs.	Local	Scotland	Planning
96	Supplementary Planning Guidance for Renewable Energy	Scottish Borders Council	11 Aug 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Planning
97	Core Paths Plan	West Lothian Council	22 Aug 2006	Screening	4	Local Authority	SEA Act	Local	Scotland	Tourism
98	Sustainable Development Strategy	South Lanarkshire Council	22 Aug 2006	Screening	5	Local Authority	SEA Act	Local	Scotland	Other
99	Interreg IV C Operational Programme	Interreg IV C Managing Authority	25 Aug 2006	Scoping	5	Other Public Body	Other	Other	EU	Other
100	Outer Hebrides Cultural Strategy 2006-2006	Comhairle nan Eilean Siar	29 Aug 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Other
101	Core Paths Plan	Comhairle nan Eilean Siar	31 Aug 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Tourism
102	Scotland's Railways	Transport Scotland	31 Aug 2006	Scoping	5	Other Public Body	Voluntary	National	Scotland	Transport
103	European Spatial Planning Observation Network (EPSON) Operational Programme	Luxembourg Government	04 Sep 2006	Screening	2	Other	Other	Other	EU	Other
105	Local Plan	City of Edinburgh Council	04 Sep 2006	Scoping	5	Local Authority	Regs.	Local	Scotland	Planning
106	Regional Economic Strategy Action Plan	One NorthEast	04 Sep 2006	Scoping	5	Other Public Body	UK Regs.	Other	UK	Other
107	Sustainable Development Framework	Communities Scotland	04 Sep 2006	Scoping	5	Other Public Body	SEA Act	National	Scotland	Other
108	Local Improvement Plan 2005-2008	West Lothian Council	11 Sep 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
109	Determined to Succeed Plan 2006-2008	West Lothian Council	11 Sep 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
110	Ayrshire Local Biodiversity Action Plan Review	Ayrshire Joint Structure Plan and Transportation Committee	21 Sep 2006	Scoping	4	Other Public Body	SEA Act	Local	Scotland	Planning
111	Local Biodiversity Action Plan	Orkney Islands Council	29 Sep 2006	Scoping	4	Local Authority	SEA Act	Local	Scotland	Planning
112	Regional Transport Strategy	Tayside and Central Scotland Transport Partnership (tactran)	05 Oct 2006	Scoping	5	Other Public Body	SEA Act	Regional	Scotland	Transport
113	Army Super Garrison Proposals	Ministry of Defence	09 Oct 2006	Scoping	4	Other Public Body	UK Regs.	Other	UK	Other
114	The Energy Efficiency and Microgeneration Strategy and Action Plan for Scotland	Scottish Executive	10 Oct 2006	Scoping	5	Scottish Government	Regs.	National	Scotland	Energy
115	Regional Transport Strategy	South West of Scotland Transport Partnership (SWESTRANS)	12 Oct 2006	Scoping	5	Other Public Body	Regs.	Regional	Scotland	Transport

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116	Local Transport Strategy	Renfrewshire Council	13 Oct 2006	Scoping	5	Local Authority	SEA Act	Local	Scotland	Transport
117	Meadowbank Development Brief	City of Edinburgh Council	18 Oct 2006	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
118	Nature Conservation Strategy	Aberdeen City Council	19 Oct 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
119	Regional Transport Strategy	Strathclyde Partnership for Transport	19 Oct 2006	Scoping	5	Other Public Body	Regs.	Regional	Scotland	Transport
120	Clyde Gateway Integrated Water Plan	Scottish Water	23 Oct 2006	Scoping	4	Other Public Body	SEA Act	Small Area	Scotland	Waste Management
121	Community Plan for Orkney	Orkney Islands Council	24 Oct 2006	Screening	6	Local Authority	SEA Act	Local	Scotland	Other
122	Core Path Plan - Orkney	Orkney Islands Council	31 Oct 2006	Scoping	4	Local Authority	SEA Act	Local	Scotland	Tourism
123	Core Path Plan - Aberdeen	Aberdeenshire Council	02 Nov 2006	Screening	2	Local Authority	Regs.	Local	Scotland	Tourism
124	Aberdeen City's Masterplanning Framework	Aberdeen City Council	06 Nov 2006	Screening	2	Local Authority	Regs.	Small Area	Scotland	Planning
125	Aberdeenshire Towns Housing Strategy 2006	Aberdeenshire Council	08 Nov 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
126	Auchterarder Expansion Development Framework	Perth & Kinross Council	10 Nov 2006	Screening	5	Local Authority	Regs.	Small Area	Scotland	Planning
127	Carbon Management Programme	Aberdeenshire Council	14 Nov 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
128	Atlantic Area Transnational Programme 2007-13	Welsh Assembly Government	14 Nov 2006	Screening	1	Other	Other	Other	UK	Other
129	Interact II Operational Programme	INTERACT Managing Authority (Austrian Life Ministry)	15 Nov 2006	Screening	2	Other Public Body	Other	Other	EU	Other
130	St James' Quarter Masterplan	City of Edinburgh Council	15 Nov 2006	Screening	5	Local Authority	SEA Act	Small Area	Scotland	Planning
131	Local Transport Strategy	Argyll & Bute Council	16 Nov 2006	Scoping	5	Local Authority	Regs.	Local	Scotland	Transport
132	Pitlochry, Blairgowrie & Blair Atholl Conservation Area Appraisals	Perth & Kinross Council	16 Nov 2006	Screening	1	Local Authority	Regs.	Small Area	Scotland	Other
133	Open Space Strategy	Falkirk Council	17 Nov 2006	Screening	4	Local Authority	SEA Act	Local	Scotland	Other
134	Affordable Housing Guide	Perth & Kinross Council	20 Nov 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
135	Offshore Energy Plan Round 7	Department of Trade and Industry	24 Nov 2006	Scoping	5	Other Public Body	UK Regs.	Other	UK	Energy
136	Orkney Local Transport Strategy	Orkney Islands Council	27 Nov 2007	Screening	6	Local Authority	SEA Act	Local	Scotland	Transport
137	Pitlochry Conservation Area Appraisal	Perth & Kinross Council	01 Dec 2006	Screening	6	Local Authority	SEA Act	Small Area	Scotland	Other
138	Corporate Plan 2007-2010	Visit Scotland	01 Dec 2006	Screening	6	Other Public Body	SEA Act	National	Scotland	Tourism
139	Core Path Plan	East Lothian Council	06 Dec 2006	Screening	3	Local Authority	SEA Act	Local	Scotland	Tourism
140	Core Path Plan	Scottish Borders Council	07 Dec 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
141	Open Space Strategy	East Ayrshire Council	12 Dec 2006	Screening	4	Local Authority	SEA Act	Local	Scotland	Planning
142	Community Plan	West Dunbartonshire Council	14 Dec 2006	Screening	5	Local Authority	SEA Act	Local	Scotland	Planning
143	Coupar Angus Conservation Area Appraisal	Perth & Kinross Council	14 Dec 2006	Screening	6	Local Authority	SEA Act	Small Area	Scotland	Other
144	Blairgowrie Conservation Area Appraisal	Perth & Kinross Council	14 Dec 2006	Screening	4	Local Authority	SEA Act	Small Area	Scotland	Other
145	Blair Atholl Conservation Area Appraisal	Perth & Kinross Council	15 Dec 2006	Screening	4	Local Authority	SEA Act	Small Area	Scotland	Other
146	New Pentland Hills Regional Park Plan	Pentland Hills Regional Partnership	18 Dec 2006	Scoping	5	Other Public Body	SEA Act	Regional	Scotland	Tourism
147	Corporate Plan 2007-2011	SportsScotland	19 Dec 2006	Screening	4	Other Public Body	SEA Act	National	Scotland	Other
148	Perth & Kinross Council Drainage Policy	Perth & Kinross Council	27 Dec 2006	Screening	2	Local Authority	SEA Act	Local	Scotland	Waste Management
149	Leisure & Cultural Strategy	East Ayrshire Council	24 Jan 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
150	Riverside Inverclyde Urban Design Guidance	Inverclyde Council	25 Jan 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
151	Access Review Strategy	Fife Council	26 Jan 2007	Scoping	5	Local Authority	Regs.	Local	Scotland	Tourism
152	Core Path Plan	Fife Council	26 Jan 2007	Scoping	4	Local Authority	Regs.	Local	Scotland	Tourism
153	Salamander Street Development Brief	City of Edinburgh Council	29 Jan 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
154	Supplementary Planning Guidance Wind Energy	Fife Council	31 Jan 2007	Scoping	5	Local Authority	SEA Act	Local	Scotland	Energy
155	Supplementary Planning Guidance Renewable Energy Technologies other than Wind Energy	Fife Council	31 Jan 2007	Scoping	3	Local Authority	SEA Act	Small Area	Scotland	Energy
156	Arts Development Plan	Orkney Islands Council	02 Feb 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
157	Heritage Development Plan	Orkney Islands Council	02 Feb 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning

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158	Local Transport Strategy	East Dunbartonshire Council	05 Feb 2007	Scoping	4	Local Authority	Regs.	Local	Scotland	Planning
159	Carbon Management Strategy & Implementation Plan 2007-2017	Perth & Kinross Council	06 Feb 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
160	Carbon Management Programme	North Ayrshire Council	08 Feb 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
161	National Planning Framework	Scottish Executive	05 Feb 2007	Scoping	4	Scottish Government	SEA Act	National	Scotland	Planning
162	Local Housing Strategy	South Ayrshire Council	14 Feb 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
163	Development Framework for Letham Mains Haddington	East Lothian Council	15 Feb 2007	Screening	4	Local Authority	SEA Act	Small Area	Scotland	Planning
164	Aberdeen City Sustainable Development Strategy	Aberdeen City Council	22 Feb 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
165	SPP23: The Historic Environment	Scottish Executive	01 Mar 2007	Screening	3	Scottish Government	SEA Act	National	Scotland	Planning
166	Air Quality Action Plan	Perth & Kinross Council	06 Mar 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Other
167	SPP14: The Natural Environment	Scottish Executive	06 Mar 2007	Screening	4	Scottish Government	SEA Act	National	Scotland	Planning
168	Den of Alyth Management Plan 2007-2011	Perth & Kinross Council	12 Mar 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
169	Local Biodiversity Action Plan	Dumfries & Galloway Council	16 Mar 2007	Screening	4	Local Authority	SEA Act	Local	Scotland	Other
170	Structure Plan Alteration	Scottish Borders Council	21 Mar 2007	Scoping	5	Local Authority	SEA Act	Local	Scotland	Planning
171	Core Path Plan	East Dunbartonshire Council	23 Mar 2007	Scoping	4	Local Authority	SEA Act	Local	Scotland	Tourism
172	Rural West Edinburgh Local Plan Alterations	City of Edinburgh Council	29 Mar 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
173	Reducing Energy Demand of New Developments and Promoting Renewable Energy	Aberdeen City Council	03 Apr 2007	Screening	3	Local Authority	SEA Act	Local	Scotland	Energy
174	Lochcarron Kirkton Development Brief	Highland Council	05 Apr 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
175	Open Space Strategy	Aberdeen City Council	09 Apr 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
176	Lanarkshire Tourism Action Plan	South Lanarkshire Council	10 Apr 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
177	Economic Strategy 2007 - 2010	Orkney Islands Council	10 Apr 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
178	Core Path Plan	Shetland Islands Council	12 Apr 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
179	Structure Plan	Aberdeenshire Council	16 Apr 2007	Scoping	4	Local Authority	SEA Act	Regional	Scotland	Planning
180	Orkney Islands Inter-Isles Connectivity (STAG) Study	Orkney Islands Council	20 Apr 2007	Scoping	5	Local Authority	SEA Act	Local	Scotland	Transport
181	Planning Brief Former Carrongrove Paper Mill Denny	Falkirk Council	20 Apr 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
182	A Fuel Poverty and Domestic Energy Efficiency Strategy 2008-2014	South Lanarkshire Council	20 Apr 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Energy
183	Local Transport Strategy	North Lanarkshire Council	23 Apr 2007	Scoping	4	Local Authority	SEA Act	Local	Scotland	Transport
184	Tourism Strategy & Action Plan	East Dunbartonshire Council	24 Apr 2007	Screening	4	Local Authority	SEA Act	Local	Scotland	Tourism
185	East Area Local Plan	Perth & Kinross Council	25 Apr 2007	Scoping	4	Local Authority	Regs.	Small Area	Scotland	Planning
186	EU Programme for Cross Border Territorial Cooperation (INTERREG IV) 2007 - 2013		24 Apr 2007	Scoping	5	Other	Other	Other	EU	Other
187	Torvean Charleston Land Use Development Brief	Highland Council	30 Apr 2007	Screening	4	Local Authority	SEA Act	Small Area	Scotland	Planning
188	Corporate Plan 2007 - 2011 Draft	West Lothian Council	01 May 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
190	Core Paths Plan	Perth & Kinross Council	09 May 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
191	Development Framework for Macmerry Business Park Extension	East Lothian Council	11 May 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
192	Development Framework for Old Craighall Junction Musselburgh	East Lothian Council	11 May 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
193	Alteration to the Inverclyde Local Plan 2005 Greenock West End Outstanding Conservation Area Boundary Review	Inverclyde Council	11 May 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
194	Rangers in Scotland - An SNH Policy Statement	Scottish Natural Heritage (SNH)	11 May 2007	Screening	5	Consultation Authority	SEA Act	National	Scotland	Other
195	Forest Enterprise Scotland Forest District Strategic Plans	Forestry Commission Scotland	11 May 2007	Scoping	4	Other Public Body	SEA Act	National	Scotland	Forestry
196	Development Framework for Mains Farm North Berwick	East Lothian Council	11 May 2007	Screening	4	Local Authority	SEA Act	Small Area	Scotland	Planning

SEPA No.	Plan, Programme or Strategy Name	Responsible Authority	Start Date (A)	Entry Stage (B)	Status (C)	Organisation Type (D)	SEA Driver (E)	Geographic Area (F)	Country (G)	Sector (H)
197	Banknock Special Initiative for Residential Regeneration Development Framework	Falkirk Council	14 May 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
198	Scottish Soil Strategy	Scottish Executive	14 May 2007	Screening	2	Scottish Government	SEA Act	National	Scotland	Agriculture
199	Core Path Plans	Highland Council	15 May 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
201	Aberdeen City Sports Strategy	Aberdeen City Council	24 May 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
202	Strategic Plan	Aberdeenshire Council	05 Jun 2007	Screening	4	Local Authority	SEA Act	Local	Scotland	Planning
203	Coastal Flooding Policy Framework	Aberdeenshire Council	08 Jun 2007	Screening	1	Local Authority	SEA Act	Local	Scotland	Waste Management
204	North Sighthill Development Brief	City of Edinburgh Council	08 Jun 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
205	Corporate Plan	West Dunbartonshire Council	12 Jun 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
206	Carbon Management Programme	Glasgow City Council	14 Jun 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
207	Economics Development Priorities	Aberdeenshire Council	14 Jun 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
208	Iner Tay Estuary Local Nature Reserve Draft Management Plan	Perth & Kinross Council	04 Jul 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Other
209	Black Sprout Wood	Perth & Kinross Council	22 Jun 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Forestry
210	Freelands Road Development Brief	City of Edinburgh Council	25 Jun 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
211	Kirkcaldy & Mid Fife Local Plan	Fife Council	26 Jun 2007	Scoping	4	Local Authority	SEA Act	Local	Scotland	Planning
212	Local Transport Strategy	West Dunbartonshire Council	26 Jun 2007	Scoping	4	Local Authority	SEA Act	Local	Scotland	Transport
213	Local Transport Strategy	North Ayrshire Council	28 Jun 2007	Scoping	5	Local Authority	SEA Act	Local	Scotland	Transport
214	Tourism Action Plan	Midlothian Council	29 Jun 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
215	Outdoor Access Strategy	Clackmannanshire Council	05 Jul 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
216	Core Paths Plan	Clackmannanshire Council	05 Jul 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
217	Sustainability Strategy	Clackmannanshire Council	09 Jul 2007	Screening	4	Local Authority	SEA Act	Local	Scotland	Other
218	Corporate Strategy & Plan 2008-2013	Scottish Natural Heritage (SNH)	10 Jul 2007	Screening	4	Consultation Authority	SEA Act	National	Scotland	Other
219	Environment & Sustainability Framework	Clackmannanshire Council	17 Jul 2007	Screening	3	Local Authority	SEA Act	Local	Scotland	Other
220	Forth Replacement Crossing	Transport Scotland	19 Jul 2007	Scoping	5	Other Public Body	SEA Act	Small Area	Scotland	Transport
221	Core Path Plan	East Ayrshire Council	19 Jul 2007	Scoping	4	Local Authority	SEA Act	Local	Scotland	Tourism
222	Development Framework for Pinkie Mains Musselburgh	East Lothian Council	20 Jul 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
223	Public Open Space	Dundee City Council	20 Jul 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
224	Core Path Plan	North Ayrshire Council	23 Jul 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
225	South East Shawfair Masterplan and Design Guide	Midlothian Council	23 Jul 2007	Screening	2	Local Authority	SEA Act	Small Area	Scotland	Planning
226	Sustainability Development Strategy	East Ayrshire Council	25 Jul 2007	Screening	3	Local Authority	SEA Act	Local	Scotland	Other
227	Carbon Management Programme	Falkirk Council	26 Jul 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
228	Core Path Plan	Glasgow City Council	27 Jul 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
229	Carbon Management Programme	Angus Council	06 Aug 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
230	Scottish Climate Change Bill Consultation	Scottish Executive	07 Aug 2007	Screening	4	Scottish Government	SEA Act	National	Scotland	Other
231	Cumnock Town Centre Regeneration Masterplan	East Ayrshire Council	09 Aug 2007	Scoping	4	Local Authority	SEA Act	Small Area	Scotland	Planning
232	Climate Change Plan	SEPA	10 Aug 2007	Scoping	4	Consultation Authority	SEA Act	National	Scotland	Other
233	Core Path Plan	Angus Council	14 Aug 2007	Screening	3	Local Authority	SEA Act	Local	Scotland	Tourism
234	Environmental Strategy	East Lothian Council	15 Aug 2007	Screening	4	Local Authority	SEA Act	Local	Scotland	Other
235	Port Edgar Development Brief	City of Edinburgh Council	17 Aug 2007	Screening	4	Local Authority	SEA Act	Small Area	Scotland	Planning
236	Core Path Plan	Dundee City Council	23 Aug 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
237	Corporate Plan	SEPA	30 Aug 2007	Screening	4	Consultation Authority	SEA Act	National	Scotland	Other
238	Community Plan	East Renfrewshire Council	06 Sep 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Planning
239	SPP3 Planning for Housing	The Scottish Government	11 Sep 2007	Screening	4	Scottish Government	SEA Act	National	Scotland	Planning
240	What is Flood Management? A Consultation	The Scottish Government	24 Sep 2007	Scoping	4	Scottish Government	SEA Act	National	Scotland	Water Management
241	The City Centre Princes Street Development Framework	City of Edinburgh Council	27 Sep 2007	Scoping	3	Local Authority	SEA Act	Small Area	Scotland	Planning

SEPA No.	*Plan, Programme or Strategy Name*	*Responsible Authority*	*Start Date (A)*	*Entry Stage (B)*	*Status (C)*	*Organisation Type (D)*	*SEA Driver (E)*	*Geographic Area (F)*	*Country (G)*	*Sector (H)*
242	Climate Change Framework 2008 - 2015 & Action Plan 2008 - 2011	Dundee City Council	27 Sep 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
243	Flood Mitigation Schemes & Flood Studies	Perth & Kinross Council	28 Sep 2007	Screening	1	Local Authority	SEA Act	Local	Scotland	Water Management
244	Core Path Plan	Renfrewshire Council	28 Sep 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Tourism
245	Local Transport Strategy 2	Moray Council	02 Oct 2007	Scoping	4	Local Authority	SEA Act	Local	Scotland	Transport
246	European Fisheries Fund UK Operational Programme	Department for Environment, Food and Rural Affairs	08 Oct 2007	Scoping	4	Other Public Body	UK Regs.	Other	UK	Other
247	Scotland River Basin Management Plan	SEPA	09 Oct 2007	Scoping	4	Consultation Authority	SEA Act	National	Scotland	Water Management
248	Solway Tweed River Basin Management Plan	SEPA	09 Oct 2007	Scoping	4	Consultation Authority	UK Regs.	Regional	UK	Water Management
249	Strategic Transport Projects Review	Transport Scotland	12 Oct 2017	Scoping	4	Other Public Body	SEA Act	National	Scotland	Transport
250	Open Space Strategy & Action Plan	Clackmannanshire Council	18 Oct 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
251	Policy Statements on Country & Regional Parks	Scottish Natural Heritage (SNH)	31 Oct 2007	Scoping	3	Consultation Authority	SEA Act	National	Scotland	Other
252	Firth of Clyde Marine Spatial Plan	Firth of Clyde Forum	05 Nov 2007	Scoping	3	Other Public Body	SEA Act	Regional	Scotland	Water Management
253	Sustainability Development Strategy	West Dunbartonshire Council	05 Nov 2007	Screening	1	Local Authority	SEA Act	Local	Scotland	Other
254	Corporate Plan	Aberdeen City Council	07 Nov 2007	Screening	2	Local Authority	SEA Act	Local	Scotland	Other
255	Local Plan Alteration No.1	Renfrewshire Council	15 Nov 2007	Screening	1	Local Authority	SEA Act	Local	Scotland	Planning
256	Local Transport Strategy	South Ayrshire Council	16 Nov 2007	Scoping	2	Local Authority	SEA Act	Local	Scotland	Transport
257	Resource Plan 2008	Scottish Water	16 Nov 2007	Scoping	2	Other Public Body	SEA Act	National	Scotland	Water Management
258	Glasgow & Clyde Valley Joint Structure Plan Third Alteration Draft Modification	Scottish Government	19 Nov 2007	Screening	1	Scottish Government	SEA Act	Regional	Scotland	Planning

(A) The date the plan, programme or strategy entered the SEA process (normally at screening or scoping) as identified from Scottish Environment Protection Agency (SEPA) records. Numbers are ascribed sequentially when a PPS first enters the SEA process usually at screening or scoping stage of SEA. Although there are 255 plans, programmes and strategies listed the numbering extends to 258 because on three occasions a number was missed out.
(B) The stage the plan, programme or strategy entered the SEA process – normally at screening or scoping.
(C) The status of the plan, programme or strategy on 20 Nov 07 – the day information was requested from the Scottish Government SEA Gateway:
1 Screening report is in consultation; 2 Screening report has been consulted upon; 3 Scoping report is in consultation; 4 Environmental report is in preparation or consultation; 5 Environmental report has been consulted upon (it has not been 'Adopted'); 6 Adopted plan, programme or strategy (a Post Adoption Statement was available from the Scottish Government SEA Gateway on 20 November 2007)
(D) This shows the organisation type. The category Scottish Government category includes the Scottish Executive (before the May 2007 election).
(E) The SEA Driver is the legal requirement that triggered the SEA – there are a number of categories abbreviated in this table: 'Regs.' The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004; 'SEA Act' The Environmental Assessment (Scotland) Act 2005; 'Voluntary' Not driven by regulations (only applies to Scotland); 'UK Regs.' The Environmental Assessment of Plans and Programmes Regulations 2004.
(F) Geographical Area of the plan, programme or strategy, that is whether it applies to a national, regional, local, small area or other.
National Scotland.
Regional An area smaller than 'national' but larger than 'local.'
Local One of Scotland's 32 unitary authorities (as first identified by the Local Government etc. (Scotland) Act 1994).
Small area Part of a 'local' area.
Other Does not fit into any of the categories specified above.
(G) The country the plan relates to, whether this is Scotland, United Kingdom (UK) or other countries within the European Union (EU). The SEA Gateway and SEPA keep records of Scottish consultations on SEA.
(H) Identifies the sector of the plan, programme or strategy as determined by the eleven categories set out by the SEA Directive: agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, planning (i.e. town and country planning or land use) (Article 3 2. (a)).

Abbreviations
ERDF European Regional Development Fund
ESF European Social Fund
INTERACT An initiative co-financed by the European Regional Development Fund (ERDF)
SEPA Scottish Environment Protection Agency
SPP Scottish Planning Policy

Appendix C

The 40 plans, programmes or strategies pre-screened (09 Mar 06 – 20 Nov 07) (Extract from Scottish Government 2008a)

No. (A)	*Plan, Programme or Strategy Name*	*Responsible Authority*	*Date of opinion*	*Area or location*	*Brief description*
1	Corporate Procurement Strategy	Midlothian Council	09 Mar 06	Midlothian	Relates to the procurement of goods and services in Midlothian Council
2	Management and Preservation of Council Records	Stirling Council	14 Nov 06	Stirling	Provides a framework for the work of the Archives Service and Records Team.
3	Skills and Learning Strategy	Scottish Enterprise	20 Nov 06	Scotland	Articulates the future direction of the Scottish Enterprise activities.
4	Draft Gender Equality Scheme	Stirling Council	10 Jan 07	Stirling	Reaffirms the Council's commitment to gender equality.
5	Supplementary Retail Guidance	Dumfries & Galloway Council	12 Feb 07	Dumfries & Galloway	Provides a planning policy framework.
6	Lottery Funding Strategy 2007-11	Sportscotland	01 Mar 07	Scotland	Sets out Sportscotland's strategy for distribution of Lottery Funds.
7	Midlothian Economic Development Framework	Midlothian Council	06 Mar 07	Midlothian	Sets out the vision and economic priorities for Midlothian.
8	Sportscotland Business Plan for 2007-08	Sportscotland	07 Mar 07	Scotland	Outlines how the first year of the Corporate Plan will be delivered.
9	Economic Development Strategy	Scottish Borders Council	17 May 07	Scottish Borders	Sets out the vision and economic priorities for Scottish Borders
10	Development Services Marketing & Communications Strategy 2007-2010	Fife Council	06 Jun 07	Fife	Sets out the Marketing and Communications Strategy 2007-2010 for Development Services.
11	Carbon Management Programme 2007-2008	Scottish Environment Protection Agency (SEPA)	14 Jun 07	Scotland	To identify methods and techniques to reduce SEPA's own direct carbon emissions from fossil fuel energy consumption
12	The Moray Licensing Board Statement of Licensing Policy under the Licensing (Scotland) Act 2005	Moray Licensing Board*	22 Jun 07	Moray	Details the Board's approach to licensing the sale of alcohol within the Moray area.
13	Advertisements and Signage Strategy	South Ayrshire Council	24 Jul 07	South Ayrshire	Details a review and update of the council's advertising and signage policy.
14	The Plan for the Public Health Bill	Scottish Government	Aug 07	Scotland	Sets out policies to modernise and consolidate Scotland's public health legislation
15	Economic Development Strategy	Angus Council	07 Aug 07	Angus	Sets out the vision and economic priorities for Angus
16	A Strategic Framework for Scottish Fresh Water Fisheries	Scottish Government	17 Aug 07	Scotland	
17	Gender Equality Scheme	East Dunbartonshire Council	04 Sep 07	East Dunbartonshire	Sets out the councils duty and commitment to promoting gender equality
18	Supplementary Planning Guidance 5 Telecommunications Development	Dumfries & Galloway Council	05 Sep 07	Dumfries & Galloway	Sets out a planning policy framework for telecommunications.
19	Supplementary Planning Guidance 4.1 Wasted Management Facilities and 4.2 Managing Waste in Housing and Commercial Development	Dumfries & Galloway Council	05 Sep 07	Dumfries and Galloway	Sets out a planning policy framework for the control of waste developments.
20	The Steadings, Acredale Farm, Eyemouth	Scottish Borders Council	05 Sep 07	Scottish Borders	Housing site in Berwickshire
21	Carbon Management Plan 2008 - 2013	South Ayrshire Council	07 Sep 07	South Ayrshire	Details the issues surrounding the reduction, management and mitigation of CO2
22	Supplementary Planning Guidance 8 Flooding	Dumfries & Galloway Council	12 Sep 07	Dumfries & Galloway	Sets out a planning policy framework for the control of development in areas which may be affected by flooding
23	Supplementary Planning Guidance 7.2 Housing Development in Remote and Depopulated Areas Wigtown	Dumfries & Galloway Council	12 Sep 07	Dumfries & Galloway	Sets out a planning policy framework for the control of housing development in the remote and depopulated areas of the Wigtown part of Dumfries & Galloway
24	Supplementary Planning Guidance 7.1 Housing Development in Remote and Depopulated Areas Stewartry	Dumfries & Galloway Council	12 Sep 07	Dumfries & Galloway	Sets out a planning policy framework for the control of housing development in the remote and depopulated areas of the Stewartry part of Dumfries & Galloway

25	Strategic Housing Investment Framework	Falkirk Council	27 Sep 07	Falkirk	Sets out investment policies for housing
26	Private Housing Strategy	City of Edinburgh Council	29 Sep 07	City of Edinburgh	Sets a framework and a plan for improving the quality and management of private housing
27	Strategic Housing Investment Plan	East Dunbartonshire Council	10 Oct 07	East Dunbartonshire	Sets out investment policies for housing
28	On the Move Strategy	West Lothian Council	15 Oct 07	West Lothian	Sets out policies to promote physical activity
29	Personnel Policy	Aberdeenshire Council	29 Oct 07	Aberdeenshire	Sets out policies on recruitment consistent with legislative requirements
30	Museums Forward Plan	Angus Council	30 Oct 07	Angus	Sets out policies to met the Museums, Libraries and Archives Council Accreditation Scheme
31	John Finnie Street Bank Street Conservation Area Management Plan	East Ayrshire Council	30 Oct 07	East Ayrshire	Identifies the special character of this area.
32	Core Paths Plan	Falkirk Council	30 Oct 07	Falkirk	Identifies a network of paths for public access
33	Sports Pitch Strategy	West Dunbartonshire Council	05 Nov 07	West Dunbartonshire	Assesses the adequacy of provision to meet the long term needs of all outdoor pitch sports
34	Sports and Physical Activity Strategy	West Dunbartonshire Council	05 Nov 07	West Dunbartonshire	Assess participation in sports and physical activities in West Dunbartonshire
35	Consultation Action Plan	Aberdeenshire Council	06 Nov 07	Aberdeenshire	Sets out corporate overview of all consultations being undertaken
36	Communication Strategy	Aberdeenshire Council	06 Nov 07	Aberdeenshire	Sets out policies for communication with internal and external stakeholders
37	Procurement Strategy 2008-2010	East Dunbartonshire Council	08 Nov 07	East Dunbartonshire	Sets out a strategy for achieving Best Value procurement within the Council
38	Carbon Management Strategy	East Dunbartonshire Council	12 Nov 07	East Dunbartonshire	Details the issues surrounding the reduction, management and mitigation of CO2
39	Supplementary Planning Guidance Landscape and Development and Trees and Development	Scottish Borders Council	12 Nov 07	Scottish Borders	Provides explanation and advice relating to the Council's existing requirements for fitting new developments into the Borders landscape and provides explanation and advice relating to the Council's existing requirements for new developments in relation to trees on Borders development sites
40	Modernising Services for Older People Strategy	Highland Council	19 Nov 07	Highland	Sets out the principles and standards which the council, In conjunction with NHS Scotland, intends to adhere to in conjunction with the modernising services for older people agenda.

(A) This number reflects the order in which pre-screening statements were received by the Scottish Executive and Scottish Government.

Appendix D

The 58 SEA Documents relating to 41 Scottish plans, programmes or strategies that refer to environmental justice, environmental injustice or both

SEPA No. (A)	*Date*	*Prepared by (organisation and name of author where listed)*	*Document title (as listed in the document)*
3	04 Nov 04	SEPA	Environmental Assessment of Plans and Programmes (Scotland) Regulations, 2004 Aberdeen City Council Local Transport Strategy – Screening Consultation.
4	15 Jun 05	SNH	Glasgow And Clyde Valley Structure Plan 2025: Consultative Draft Structure Plan SEA Scoping And Environment Report
25	Oct 05	Entec UK Limited	Scottish Water (2005) Strategic Environmental Assessment of the National Sludge Recycling Strategy. Supplementary Note for SEA Stakeholders.
29/1	Nov 05	Land Use Consultants	The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. Strategic Environmental Assessment of the Scottish Forestry Strategy [SFS]. Scoping Report. November 2005. Prepared by Land Use Consultants On behalf of the Forestry Commission Scotland.
29/2	Feb 06	Land Use Consultants	The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 Strategic Environmental Assessment (SEA) of the Scottish Forestry Strategy [SFS]. Environmental Report Appendix. Prepared for The Forestry Commission Scotland by Land Use Consultants.
29/3	27 Mar 06	Land Use Consultants	The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 Strategic Environmental Assessment (SEA) of the Scottish Forestry Strategy. Environmental Report. Prepared for The Forestry Commission Scotland by Land Use Consultants.
29/4	Oct 06	Scottish Executive	The Scottish Forestry Strategy.
31	Aug 07	Fife Council	Fife Matters. Strategic Environmental Assessment: Environmental Report Finalised Fife Structure Plan (2006): Housing Land Re-Appraisal
34	Nov 06	East Renfrewshire Council	East Renfrewshire Replacement Local Plan. Consultation Document. Strategic Environmental Assessment Draft Environmental Report
43	Oct 07	South Ayrshire Council (Fiona Ross)	Strategic Environmental Assessment Scoping Report in relation to the South Ayrshire Council Core Path Plan.
47	Jun 06	TPI	The City of Edinburgh Council Local Transport Strategy Strategic Environmental Assessment SEA Final Environmental Report.
57	04 Apr 06	Scottish Executive	Scotland Rural Development Programme Strategic Environmental Assessment Scoping Report. 9R5004.
62/1	Apr 06	Clackmannanshire and Stirling Councils	Structure Plan Topic Papers: Appendix 1(d)
62/2	Mar 07	Clackmannanshire and Stirling Councils	Clackmannanshire and Stirling Structure Plan Working Towards Sustainable Development 3rd Alteration Towards 2025 Consultative Draft.
62/3	Mar 07	Clackmannanshire and Stirling Councils	Clackmannanshire and Stirling Structure Plan Working Towards Sustainable Development 3rd Alteration Towards 2025. Background Report.
82	12 Jul 06	SNH	SEA Screening Report. Natural Heritage Futures Prospectuses Update.
83	Jul 07	SEPA	National Waste Strategy: Scotland. Lothian and Borders. Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. Strategic Environmental Assessment of Lothian & Borders Area Waste Plan Review. Environmental Report.
86	23 Nov 06	Not listed	Appendix 2: International, European Community, and National Environmental Protection Objectives; Regional and Local Objectives
88	18 Jul 06	Scottish Executive	A Forward Strategy for Scottish Agriculture: Next Steps Strategic Environmental Assessment Scoping Report
93	25 Aug 06	SNH	Environmental Assessment (Scotland) Act 2005 Aberdeen Local Housing Strategy 2006 2011.
94/1	11 Aug 06	Not listed	APPENDIX 2 A96 SEA Links to Other Plans Table.
94/2	11 Aug 06	Not listed	Appendix 7: Synopsis of National Planning Guidance that SEA of A96 Adheres to.
95	10 Aug 06	North Lanarkshire Council	North Lanarkshire Local Plan. Strategic Environmental Assessment Scoping Report.
98/1	May 07	South Lanarkshire Council	Draft Environmental Report. South Lanarkshire Council. Sustainable Development Strategy.
98/2	21 Aug 06	South Lanarkshire Council	Screening Report. South Lanarkshire Sustainable Development Strategy.
113	Oct 06	Entec UK Limited	Strategic Environmental Assessment of the Army Super Garrison Proposal.
141	May 07	Entec UK Limited	East Ayrshire Council Strategic Environmental Assessment (SEA) of East Ayrshire Council Open Space Strategy Scoping Report.
142/1	19 Mar 07	CAG consultants	SEA of West Dunbartonshire Community Plan. Appendix 1: Review of other plans, programmes and strategies.
142/2	03 May 07	CAG consultants	SEA of West Dunbartonshire Community Plan Draft Environmental Report Appendix 2: Review of other plans, programmes and strategies.
146/1	Dec 06	Scott Wilson	Strategic Environmental Assessment of the New Pentland Hills Regional Park Plan Draft Scoping Report.
146/2	Jun 07	Scott Wilson	Pentland Hills Regional Park. Strategic Environmental Assessment of the Pentland Hills Regional Park Plan – Environmental Report Final Report – June 2007
147/1	14 Feb 07	sportscotland (David Liddell)	SEA Scoping Report. sportscotland Corporate Plan 2007-11.
147/2	Jun 07	Natural Capital	Environmental Report. sportscotland. Strategic Environmental Assessment (SEA): Environmental Report for sportscotland Corporate Plan 2007/2011. June 2007.
151	Aug 07	Land Use Consultants	Fife Access Strategy Review 2006 2016 Strategic Environmental Assessment (SEA) Environmental Report Prepared For Fife Council By Land Use Consultants August 2007.
161/1	08 Feb 07	Scottish Executive (Fiona Simpson)	SEA Scoping Report. The National Planning Framework.
161/2	13 Sep 07	SNH Clydebank Office (John Thomson)	National Planning Framework SEA: Assessment Of Strategic Alternatives.

SEPA No. (A)	*Date*	*Prepared by (organisation and name of author where listed)*	*Document title (as listed in the document)*
161/3	20 Sep 07	SEPA (Neil Deasley)	Environmental Assessment NPF2 – Assessment of Strategic Options Discussion Paper.
166	Mar 07	Perth & Kinross Council; AEA Energy & Environment	Strategic Environmental Assessment of Perth Air Quality Action Plan Scoping Report for submission to the Scottish Executive SEA Gateway Issue Number 1.
167	08 Jun 07	Scottish Executive	Environmental Assessment (Scotland) Act 2005. Scottish Planning Policy (SPP)14 Natural Heritage. Strategic Environmental Assessment. Scoping Report.
179/1	16 Apr 07	Aberdeen City and Aberdeenshire Councils	The Aberdeen City and Shire Structure Plan Strategic Environment Assessment: Scoping Report.
179/2	18 May 07	SNH Grampian (Ewen Cameron)	Environmental Assessment (Scotland) Act 2005: The Aberdeen City and Shire Structure Plan.
179/3	25 Jun 07(B)	Aberdeen City and Aberdeenshire Councils	Aberdeen City and Shire Strategic Planning Committee: 25 June 2006 SEA Scoping Report – Response from the Consultation Authorities.
185	25 Apr 07	Perth & Kinross Council	SEA Scoping Report. The Draft Eastern Area Local Plan.
187	14 Aug 07	Scott Wilson	The Highland Council Torvean / Charleston Development Brief Strategic Environmental Assessment – Scoping Report (Draft). Prepared for The Highland Council.
194	Jul 07	SNH	Rangers In Scotland – Draft SNH Policy Statement.
195/1	May 07	Forest Enterprise Scotland	The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 Strategic Environmental Assessment of the Forest Enterprise Scotland Forest District Strategic Plans. Scoping Report.
195/2	Jul 07	Forest Enterprise Scotland	The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. Strategic Environmental Assessment of the Forest Enterprise Scotland Forest District Strategic Plans. Scoping Report Revised With Track Changes. July 2007.
218	31 Aug 07	SNH (Mary Christie)	Corporate Strategy 2008 Corporate Plan 2008 2013. Strategic Environment Assessment Scoping Report.
220/1	Jul 07	Jacobs, Faber Maunsell | AECOM	Forth Replacement Crossing [FRC] Study Strategic Environmental Assessment Scoping Report.
220/2	Sep 07	Jacobs, Faber Maunsell | AECOM	Forth Replacement Crossing Study Strategic Environmental Assessment Environmental Report.
232	Aug 07	SEPA	A Climate Change Plan for SEPA. Strategic Environmental Assessment Scoping Report. Environmental Assessment (Scotland) Act 2005.
239/1	11 Sep 07	The Scottish Government Planning Directorate	Environmental Assessment (Scotland) Act 2005. Revision of Scottish Planning Policy (SPP)3 Planning for Housing. Strategic Environmental Assessment. Scoping Report.
239/2	12 Sep 07	The Scottish Government Planning Directorate	Environmental Assessment (Scotland) Act 2005. Revision of Scottish Planning Policy (SPP)3 Planning for Housing. Strategic Environmental Assessment. Scoping Report.
240	Sep 07	SISTech; enfusion; MWH	Scottish Government. What is Sustainable Flood Management? – A Consultation. Strategic Environmental Assessment Scoping Report. 41514778. 093 01.03.
249	Oct 07	Jacobs; Faber Maunsell | AECOM; Grant Thornton	Strategic Transport Projects Review. Strategic Environmental Assessment Scoping Report. Scoping Report Appendices.
252	05 Nov 07	Firth of Clyde Forum	Scoping Report. Firth of Clyde Marine Spatial Plan.
253	05 Nov 07	West Dunbartonshire Council	SEA Screening Report. West Dunbartonshire Sustainable Development Strategy.
257	Nov 07	Entec UK Limited	Scottish Water Strategic Environmental Assessment of the Water Resource Plan 2008 Scoping Report.

(A) The number provided by SEPAs records. Where more than one document relates to a particular plan programme or strategy the document number is appended with " /1". The increment increasing with the number of documents.
(B) The document date is listed as 25 June 2006 but refers to past events in 2007. Thus the date was assumed to be 25 June 2006.

Appendix E

A summary of how the 58 SEA Documents refer to environmental justice and environmental injustice (key on following page)

SEPA No.	Date	Author	Type	References to environmental justice or environmental injustice in the SEA Document relate to:														
				Independent	Linked to Policy Document	Policy Document										Research	Assessment
						NWP	PA	SPP7	NPF	EJNH	SPP16	COF	EO	SPP4	Other	Location		
3	4-Nov-04	SEPA	Consultation Response - Screening	Significance								×						
4	15-Jun-05	SNH	Consultation Response - Scoping									×					Base	
25	Oct-05	Entec UK Limited	Other (Supplementary note)			×	×		○							PC		
29 /1	Nov-05	Land Use Consultants	Scoping Report				○		○			×				PC	Base	
29 /2	Feb-06	Land Use Consultants	Env. Report - External Appendix		Assessment	×	○		○							PC		✓
29 /3	27-Mar-06	Land Use Consultants	Env. Report		Assessment	×			×						●	Assessment		✓
29 /4	Oct-06	Scottish Executive	Other (Strategy)		Baseline	×			×							Policy context		
31	Aug-07	Fife Council	Env. Report						×			×					Basline	
34	Nov-06	East Renfrewshire Council	Env. Report - Internal Appendix			×			●			×				Policy context		
43	Oct-07	South Ayrshire Council	Scoping Report									○				Policy context		
47	Jun-06	TPI	Env. Report						↔							Policy context		
57	4-Apr-06	Royal Haskoning UK Ltd	Scoping Report				↔		↔			×				Policy context		
62 /1	Apr-06	Clackmannanshire and Stirling Councils	Other (Topic Papers)			×					↔	×				Baseline		
62 /2	Mar-07	Clackmannanshire and Stirling Councils	Other (Draft plan)								●					Baseline		
62 /3	Mar-07	Clackmannanshire and Stirling Councils	Other (Background Report)			×					●	×				Baseline		
82	12-Jul-06	SNH	Screening Report	Significance														
83	Jul-07	SEPA	Env. Report	Assessment		×			×			×						✓
86	23-Nov-06	Not listed	Env. Report - External Appendix			↔										Policy context		
88	18-Jul-06	Scottish Executive	Scoping Report				↔		↔			×				Policy context		
93	25-Aug-06	SNH (Ron MacDonald, Area Manager)	Consultation reponse - Env. Report						×			×			○	Policy context		
94 /1	11-Aug-06	Not listed	Env. Report - External Appendix				○		●			×				Policy context		
94 /2	11-Aug-06	Not listed	Env. Report - External Appendix			×	×		●			×				Policy context		
95	10-Aug-06	North Lanarkshire Council	Scoping Report - Internal Appendix			○										Policy context		
98 /1	21-Aug-06	South Lanarkshire Council (Robert Howe)	Screening Report		Significance													
98 /2	May-07	South Lanarkshire Council	Env. Report		Assessment				×			×						✓
113	Oct-06	Entec UK Limited	Env. Report - Internal Appendix						○							Policy context		
141	May-07	Entec UK Limited	Scoping Report - Internal Appendix						○			×				Policy context		
142 /1	19-Mar-07	CAG consultants	Scoping Report - External Appendix			○										Policy context		
142 /2	3-May-07	CAG consultants	Env. Report - External Appendix			○										Policy context		
146 /1	Dec-06	Scott Wilson	Scoping Report [Draft]	Background					×									
146 /2	Jun-07	Scott Wilson	Env. Report		Background								○			Policy context		
147 /1	14-Feb-07	sportscotland (David Liddell)	Scoping Report			×						○				Policy context		
147 /2	Jun-07	Natural Capital	Env. Report		Baseline	×			×			×						
151	Aug-07	Land Use Consultants	Env. Report														Env. Probs	✓
161 /1	8-Feb-07	Scottish Executive (Fiona Simpson)	Scoping Report - Internal Appendix			●			×							Policy context		
161 /2	13 Sep 07	SNH Clydebank Office (John Thomson)	Consultation Reponse - Scoping		Background				×			×						
161 /3	20-Sep-07	SEPA (Neil Deasley)	Consultation Reponse - Scoping		Background	×	×		×			×						
166	Mar-07	Perth & Kinross Council; AEA Energy & Environment	Scoping Report - Internal Appendix						×			○				Policy context		
167	8-Jun-07	Scottish Executive	Scoping Report						×			×			●	Policy context	Env. Probs	
179 /1	16-Apr-07	Aberdeen City and Aberdeenshire Councils	Scoping Report - Internal Appendix			×			×			×		●		Policy context		
179 /2	18-May-07	SNH Grampian (Ewen Cameron)	Consultation reponse - Env. Report							○		×				Policy context		
179 /3	25-Jun-07	Aberdeen City and Aberdeenshire Councils	Other (Report of CA's responses)							○		×				Policy context		
185	25-Apr-07	Perth & Kinross Council	Scoping Report - Internal Appendix						○			×				Policy context		
187	14-Aug-07	Scott Wilson	Scoping Report [Draft]	Background														
194	Jul-07	SNH	Other (Draft Policy Statement)	Policy context								×			○			
195 /1	May-07	Forest Enterprise Scotland	Scoping Report			×	×		×						○	Assessment	Basline	✓
195 /2	Jul-07	Forest Enterprise Scotland	Scoping Report [Revised]			×			×			×			○	Assessment	Basline	✓
218	31-Aug-07	SNH (Mary Christie)	Scoping Report - Internal Appendix		Baseline				○			↔				Policy context		
220 /1	Jul-07	Jacobs, Faber Maunsell | AECOM	Scoping Report							↔		×				Policy context		
220 /2	Sep-07	Jacobs, Faber Maunsell | AECOM	Env. Report						×	●		×				Policy context		
232	Aug-07	SEPA	Scoping Report	Assessment					×			×						✓
239 /1	Sep-07	The Scottish Government Planning Directorate	Scoping Report			×		●	×			×				Env. Probs	Basline	
239 /2	Sep 07	The Scottish Government Planning Directorate	Scoping Report			×		●	×			×				Env. Probs	Basline	
240	Sep-07	SISTech; enfusion; MWH	Scoping Report - Internal Appendix						○			×				Policy context		
249	Oct-07	Jacobs; Faber Maunsell | AECOM; Grant Thornton	Scoping Report - External Appendix						×	↔		×				Policy context		
252	5-Nov-07	Firth of Clyde Forum	Scoping Report - Internal Appendix						●			×				Policy context		
253	5-Nov-07	West Dunbartonshire Council (Cheryl Gallagher)	Screening Report		Assessment							×						✓
257	Nov-07	Entec UK Limited	Scoping Report									×			●	Policy context		✓

Appendix E

A summary of how the 58 SEA Documents refer to environmental justice and environmental injustice (Key)

Date — Date the document was produced or the date of the email within which it was included.
Author — The organisation who wrote the document (where available the name of the person wrote the document is included).
Type — The type of document: Environmental Reports, Scoping Reports or the Appendix - App - to these reports. Where App is (bracketed) this means that environmental justice was mentioned in an appendix internal to the document listed. Other documents include consultation responses to screening and scoping reports and other types of plan documents such as supplementary notes.
Template — The Scottish Executive SEA Templates were used to produce the document (see symbols). Templates are available within the Scottish Executive SEA Tool Kit (2006).
Size — Total number of pages in the document.

References to environmental justice or environmental justice in the document relate to:

Location in document	*Definition (derived from the SEA Directive)*
Significance	The direct identification of significant effects on the environment (during screening)
Policy context	the "relationship with other relevant plans and programmes" (Annex 1(a)) and also the relevant "environmental protection objectives, established as international, Community or Member State level" (Annex 1(e)).
Assessment	Outcomes from the assessment of "the likely significant effects on the environment" (Annex 1(f)) within taken forward or the assessment process e.g. appearance in SEA Objective, matrixes etc.
Background	Background information or context but not directly to 'baseline' or environmental problems.
Baseline	"the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme" (Annex 1 (b)); "the environmental characteristics of areas likely to be significantly affected"(Annex 1(c))
Env. problems	"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 and 92/43/EEC" (Annex 1(d))

Symbols

✓ Yes.

×	No reference	Were not evident despite the plan being listed (only applies to Relationship with other plans [bar other])
⇔	Unconnected	Reference is made to these terms but no indication is given how they do or will link to either the (proposed) assessment or PPS policies.
O	Indirect	Reference is made to these terms and a link to (proposed) assessment or PPS policies is implied in the text - but this link is not direct.
●	Direct	Reference is made to these terms and a direct link is made to the (proposed) assessment or PPS policies.

Driver	*Definition*
Independent	No link to any driver (listed below)
Linked to policy document	References within an SEA document may appear "Independent" but link to Policy documents in other parts of the document or link to policy documents in other plan, programme or strategy documents
Policy document	The references link to Policy documents listed in Table 1.3
Research	The references link to research evidence listed in Table 1.5, other official research or the Scottish Index of Multiple Deprivation (SIMD) featured in Section 1.3

NWP — National Waste Plan (Feb 03)
PA — Partnership Agreement (May 03)
SPP7 — SPP 7: Planning and Flooding (Feb 04)
NPF — National Planning Framework for Scotland (Apr 04)
EJNH — Environmental Justice and the Natural Heritage (Aug 04)
SPP16 — SPP 16: Opencast Coal (Jul 05)
COF — Choosing Our Future (Dec 05)
EO — Enjoying the Outdoors - An SNH Policy Framework Draft (Jul 06)
SPP4 — SPP 4: Planning for Minerals (Sep 06)
Other — The term environmental justice is related to a range of documents

Appendix F

Extracts from the 58 SEA Documents where reference was made to environmental justice, environmental injustice or both

This appendix presents the references to environmental justice or environmental injustice in context, with each reference highlighted within the text. The type of document (e.g. environmental report); author (organisation and individual if named); title; size (the total number of pages in the document) and reference are included. The reference name is the original document name with the SEPA case number added (e.g. 003_). The case number was added because these documents were originally in separate folders; therefore files could have the same name but refer to a different case. A distinction was made between the formats of the document so that they could be more effectively searched (they were either Microsoft word documents [MS Word], Portable document formats [pdf]). Information contained in this appendix was directly extracted from documents. Therefore information in column 'Explicit references to environmental justice or environmental justice in context' relates to the extract and thus the numbering is not consistent. The page number of where the text was extracted from is listed. Many of the extracts included abbreviations therefore a key is provided for those abbreviations that appear a number of times. Where abbreviations relate to specific plans the meaning has been included in [square brackets] in the relevant section of the text.

Key

(App)	Reference environmental justice of environmental justice in an internal report appendix but not in the main body of the report.
(template)	The Scottish Government (nee Executive) template was used to prepare the report
Para	Paragraph
PPS	Plans, Programmes and Strategies
Regs	Regulations
SEA	Strategic Environmental Assessment
SEPA	Scottish Environment Protection Agency
SNIFFER	Scotland and Northern Ireland Forum For Environmental Research

Key to abbreviations in extract from SEA Document SEPA No. 29/3, 195/1 and 195/2

OFDP	One Future Different Paths
HIS	Not listed. The abbreviation IHS, Improving Health in Scotland, is listed
LMSA	Let's Make Scotland More Active
WIAT	Woodland In and Around Towns

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
3	Type: Letter (Screening consultation) Author: SEPA Title: Environmental Assessment of Plans and Programmes (Scotland) Regulations, 2004 Aberdeen City Council Local Transport Strategy – Screening Consultation. Date: 4 November 2004 Size: 4 pages Reference: 003_SEA0003 – screening [MS word doc]	**SEPA's view in respect of Reg 13 is that significant environmental effects are likely in relation to Schedule 1 (c) the relevance of the plan or programme for the integration of environmental considerations** in particular with a view to promoting sustainable development because: Environmental considerations will be key in the preparation of the strategy given the potential environmental effects (particularly air, climatic factors, human health) of transport. The strategy will be a key driver for the promotion of sustainable development in respect of environmental protection (eg air quality and climate change), environmental justice and resource use. (p.2)
4	Type: Letter (Scoping and environmental report) Author: SNH Strathclyde and Ayshire (Roddy Fairly) Title: Glasgow And Clyde Valley Structure Plan 2025: Consultative Draft Structure Plan SEA Scoping and Environment Report. Date: 15 June 2005 (email date) Size: 16 pages Reference: 004_GCVSPAltSEAdraftresponseJune05 [MS word doc] If you require any further clarification please contact Veronica Burbridge (National Strategy Officer 01738 456621), Arthur Keller (Operations Manager 0141 951 4488) or Ian Anderson (Planning Advisor 0141 951 4488).	**State of the Environment and Environmental Trends** The analysis might make stronger connections between quality of environment, accessibility to quality greenspace and issues of health and environmental justice. Work on environmental justice suggests a strong relationship between communities with low capacity and esteem, health problems and degraded environments and work on the Scottish Executive's Deprivation Index supports the use of access to greenspace as an indicator of environmental deprivation. This is an issue of considerable importance in the GCVSP area where the plan and the proposed green network could make a significant difference. (p.5)
25	Type: Supplementary note Author: Entec UK Limited Title: Scottish Water (2005) Strategic Environmental Assessment of the National Sludge Recycling Strategy. Supplementary Note for SEA Stakeholders. Date: October 2005. Size: 63 pages Reference: 025_SEA Supplementary Note [pdf]	**Appendix B Revised Review of Plans and Programmes** **Table A3: Revised List of Plans and Programmes** **Key Objectives Relevant to Sludge Strategy and SEA** The National Planning Framework (NPF) for Scotland describes Scotland as it is in 2004 and identifies key issues and drivers of change and sets out a vision for Scotland's spatial development to 2025. The NPF notes that investing in water supply and wastewater systems is a key priority for the Executive and substantial resources have been made available for this purpose. Lack of capacity in wastewater or water supply infrastructure is becoming a significant constraint on development in some areas, including parts of the Glasgow Conurbation, North and East Ayrshire, the Falkirk Council area, and parts of the Highlands and the South of Scotland. In some rural areas, lack of water and drainage infrastructure has inhibited the provision of social housing. The NPF states that it is important to ensure that Scottish Water's long-term investment programme is based on a thorough assessment of needs including the Executive's priorities for economic development and area regeneration, and is balanced and affordable in terms of water charges. The key aims of the strategy for Scotland's spatial development to 2025 are: • To increase economic growth and competitiveness • To promote social and environmental justice; and • To promote sustainable development and protect and enhance the quality of natural and built environments. The key elements of the spatial strategy to 2025 are: • To support the development of Scotland's cities as the main drivers of the economy; **Key Targets and Indicators Relevant to Sludge Strategy and SEA** The NPF does not include any targets or indicators. The NPF is not intended to be prescriptive; it offers a description of Scotland and establishes a vision for Scotland sapatial [sic] development to 2025. (p.51)
29/1	Type: Scoping Report Author: Land Use Consultants Title: The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. Strategic Environmental Assessment of the Scottish Forestry Strategy [SFS]. Scoping Report. November 2005. Prepared by Land Use Consultants On behalf of the Forestry Commission Scotland. Date: November 2005 Size: 66 pages Reference: 029_Finalised Scoping Report 8_11_05 [pdf]	**SECTION 2 PLAN CONTEXT** **2.1 Relationship with other plans, programmes and environmental objectives** **Table 1 Framework of analysis proposed for the plans, programmes and environmental objectives to be analysed in the environmental report for their relationship with the Scottish Forestry Strategy.** **Name of plan / programme / objective** Scottish Executive, (2003) Partnership for a better Scotland: Partnership Agreement **Title of legislation and main requirements of plan / programme / objective** Sets out the policies and direction for government over the 4 years from publication. States a vision for 'a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities'. There are five primary objectives within the agreement: Growing Scotland's Economy • growing (sustainably) the Scottish economy • Delivering excellent public services • Supporting stronger, safer communities • Developing a confident, democratic Scotland • Working together in partnership **How it affects, or is affected by the SFS in terms of SEA issues at Schedule 2, para 6(a) of the Regulations** The SFS, as well as promoting sustainable development, should also focus on environmental justice and partnership working if it is aiming to reflect these wider public aims. (p.8[10]) **Name of plan / programme / objective** Scottish Executive (2004) National Planning Framework for Scotland *Links to the partnership agreement* **Title of legislation and main requirements of plan / programme / objective** Non-statutory framework to guide the spatial development of Scotland to 2025. The key aims of the strategy for Scotland's spatial development to 2025 are: • to increase economic growth and competitiveness; • to promote social and environmental justice; and • to promote sustainable development and protect and enhance the quality of natural and built environments. **How it affects, or is affected by the SFS in terms of SEA issues at Schedule 2,**

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
		para 6(a) of the Regulations The SFS should seek to reinforce the importance on sustainable development, promoting community regeneration and involvement and economic growth where feasible. **An SEA has been carried out of the NPF** SEA ASSESSMENT: All of the aims are likely to have some positive effects on the environment. Increased economic growth and competitiveness can deliver a higher quality of life, improved infrastructure and better environments. A commitment to environmental justice can ensure improved living environments and better health for disadvantaged communities. However, care will need to be taken to ensure that development promoted in furtherance of economic growth and competitiveness complements and reinforces environmental aims and objectives. Proposals will need to be carefully assessed at the development plan and project stages. (p.9[10]) **2.2.1 Summary of baseline conditions** **Population and human health** We are also overlaying this information, which is relatively forestry specific, with wider information on the demographic composition of Scotland. It is particularly useful to compare spatial characteristics of the sector with the Scottish Executive's Index of Multiple Deprivation, in order to explore how it is contributing to wider aims such as social inclusion, and the role which forestry has to play as part of the environmental justice agenda. This provides insights into specific areas where there are concentrations of poor health, unemployment, low income, and poor educational attainment, and where forestry initiatives could provide potential benefits for the population. (p.26, 27 [27, 28])
29/2	Type: Environmental Report Appendix Author: Land Use Consultants Title: The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 Strategic Environmental Assessment (SEA) of the Scottish Forestry Strategy [SFS]. Environmental Report Appendix. Prepared for The Forestry Commission Scotland by Land Use Consultants. Date: February 2006 Size: 143 pages Reference: 029_Appendix 27th Feb [pdf]	**Framework of analysis proposed for the plans, programmes and environmental objectives to be analysed in the environmental report for their relationship with the Scottish Forestry Strategy** **Name of plan / programme / objective** Scottish Executive, (2003) Partnership for a better Scotland: Partnership Agreement **Title of legislation and main requirements of plan / programme / objective** Sets out the policies and direction for government over the 4 years from publication. States a vision for 'a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities'. There are five primary objectives within the agreement: • Growing (sustainably) the Scottish economy • Delivering excellent public services • Supporting stronger, safer communities • Developing a confident, democratic Scotland • Working together in partnership **How it affects, or is affected by the SFS in terms of SEA issues at Schedule 2, para 6(a) of the Regulations** The SFS, as well as promoting sustainable development, should also focus on environmental justice and partnership if it is aiming to reflect these wider aims. (p.8) **Name of plan / programme / objective** Scottish Executive (2004) National Planning Framework for Scotland Links to the partnership agreement **Title of legislation and main requirements of plan / programme / objective** Non-statutory framework to guide the spatial development of Scotland to 2025. The key aims of the strategy for Scotland's spatial development to 2025 are: • to increase economic growth and competitiveness; • to promote social and environmental justice; and • to promote sustainable development and protect and enhance the quality of natural and built environments. **How it affects, or is affected by the SFS in terms of SEA issues at Schedule 2, para 6(a) of the Regulations** The SFS should seek to reinforce the importance on sustainable development, promoting community regeneration and involvement and economic growth where feasible. **SEA has been carried out for the NPF** SEA ASSESSMENT: All of the aims are likely to have some positive effects on the environment. Increased economic growth and competitiveness can deliver a higher quality of life, improved infrastructure and better environments. A commitment to environmental justice can ensure improved living environments and better health for disadvantaged communities. However, care will need to be taken to ensure that development promoted in furtherance of economic growth and competitiveness complements and reinforces environmental aims and objectives. Proposals will need to be carefully assessed at the development plan and project stages. (p.9) **Appendix D Assessment Tables** **Table D6 Theme 3: Community Development** SEA Objectives – Air: To maximise the role of woodlands and forestry in contributing to air quality. **Characterisation of effects on baseline – magnitude of impact and sensitivity of receptors (including assumptions and mitigation proposals** There is a minor positive correlation between this theme and the SEA objectives in relation to promoting the creation and active management of woods around communities and improving the evidence base to secure maximum benefit from woodlands in and around communities and the contribution this makes to air quality. There are no negative effects or uncertainties. The positive effects are likely to be temporary and occur in the medium term. There is a cumulative impact between improving the evidence base on how to secure maximum benefit from woods in and around communities and promoting the management and creation of woods in and around communities to maximise contribution to QoL [quality of life] as greater evidence will assist in the promotion of woodland creation and management. No synergistic or secondary impacts are envisaged. The SFS should emphasise the importance of environmental justice and the role of a healthy environment in contributing to quality of life. (p.95)
29/3	Type: Environmental Report	**SECTION 3 THE SCOTTISH FORESTRY STRATEGY AND ITS CONTEXT**

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
	Author: Land Use Consultants Title: The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 Strategic Environmental Assessment (SEA) of the Scottish Forestry Strategy. Environmental Report. Prepared for The Forestry Commission Scotland by Land Use Consultants. Date: 27 March 2006 Size: 72 pages Reference: 029_Environmental report 27th Feb [pdf]	**3.2 Relationship with other plans, programmes, and environmental Objectives** Key points arising from this analysis are as follows: • Sustainable development underpins most national level policies across the full range of sectors, with an emphasis not only on environmental objectives, but also economic growth, and social and environmental justice. (p.12[18]) **Table 3.2 SEA Objectives and Criteria and Associated Policy References** **SEA Objectives (Population and Human Health)** To maximise the role of woodland and forestry in contributing to health and wellbeing. **SEA Criteria** Will the SFS(R) policy promote forestry management which helps to reduce health inequalities and encourage increased activity levels? Will the SFS(R) policy promote forestry and woodland contributes towards achieving social justice, environmental justice and community wellbeing? **Policy reference** OFDP; HIS; LMSMA; OFDP; WIAT (p.44[50]). [References are listed on p.46[52]]
29/4	Type: Plan (App) Author: Scottish Executive Title: The Scottish Forestry Strategy. Date: October 2006 Size: 88 pages Reference: 029_fcfc101 [pdf]	**Appendix 2: Scottish Forestry Context** **A summary of Scotland's needs** **General Priorities:** • The top priority is economic growth to raise the quality of life in Scotland through increasing economic opportunities for all, on a socially and environmentally sustainable basis; followed by • jobs, good education, transport, reduced crime and better health; and • delivered in an integrated way through an innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well-being. This must be done in ways that protect and enhance the physical, cultural and natural environment, and uses resources and energy as wisely and efficiently as possible. High quality public services must become readily accessible to all. **General Principles:** • People should not be disadvantaged by who they are or where they live ('social justice'). • People should not have to live in degraded surroundings with a poor quality of life ('environmental justice'). • Everyone should have the same opportunity to enjoy a good quality of life and access to appropriate services ('closing the opportunity gap' and 'social inclusion') (p.71).
31	Type: Environmental Report Author: Fife Council Title: Fife Matters. Strategic Environmental Assessment: Environmental Report Finalised Fife Structure Plan (2006): Housing Land Re-Appraisal Date: August 2007 Size: 219 pages Reference: 031_SEA Environmental Report [pdf]	**4. ENVIRONMENTAL BASELINE** **4.1 State of the Environment** **4.6 Population and Health** 4.6.3 If air pollution increases in Fife in the future, respiratory disease incidences may rise. The relationships between environmental pollutants and health are complicated and often uncertain. Little information is available specifically for Fife on the effect of diffuse pollution (the main cause of water pollution in Fife) on health. Lastly, given that Fife's Scottish Index of Multiple Deprivation score has deteriorated between 2004 and 2005, this may negatively affect the level of 'environmental justice' in Fife in the longterm. Social deprivation, and some aspects of environmental quality, such as air quality, proximity to industrial sites and wellbeing. (p.20[24])
34	Type: Environmental report (Tables at end of report) Author: East Renfrewshire Council Title: East Renfrewshire Replacement Local Plan. Consultation Document. Strategic Environmental Assessment Draft Environmental Report Date: November 2006 Size: 93 Reference: 034_SEA - Draft Environmental Report(with cover) [pdf]	**Relationship with other plans, programmes and environmental objectives** National Planning Framework **Summary of Document and Main Environmental Objectives** Provides a guide to Scotland's spatial development up to 2025. Promotes Social & Environmental Justice, Sustainable Development and seeks to protect and enhance the quality of the natural and built environment. **How Objectives and requirements are being taken on board in the Replacement East Renfrewshire Local Plan Consultation Document** The Plan will seek to ensure that the aims, objectives, policies and proposals of the plan reflect the guidance set out in the Framework. **Relevant Consultation Document Policies and Proposals** Policies Strat1 & 2. (p.[36])
43	Type: Scoping report Author: South Ayrshire Council (Fiona Ross) Title: Strategic Environmental Assessment Scoping Report in relation to the South Ayrshire Council Core Path Plan. Date: October 2007 Size: 15 pages Reference: 043_Scoping [MS word doc]	**3.2 Relationship with other Plans, Programmes & Environmental Objectives** **Name of plan/programme/ objective** The Scottish Sustainable Development Strategy – Choosing Our Future. **Title of legislation and main requirements of plan/programme/objective** National Strategy which sets out the measures that will be taken in Scotland to deliver the national framework for sustainable development. **How it affects, or is affected by the South Ayrshire Core Path Plan in terms of SEA issues at Schedule 2, para 6(a) of the Act** Thriving communities: should make it easier for us to live in a sustainable way. Programmes to support local environmental improvements can make an important contribution to environmental justice since it is often the most deprived communities that live in the worst environments. (p.6)
47	Type: Environmental Report Author: TPI Title: The City of Edinburgh Council Local Transport Strategy Strategic Environmental Assessment SEA Final Environmental Report. Date: June 2006 Size: 146 pages Reference: 047_12-06-06 EDINBURGH LTS SEA Final Environmental Report [pdf]	**3. THE LOCAL TRANSPORT STRATEGY** **Relationship of the LTS to other Plans and Programmes** 3.13 The National Planning Framework for Scotland sets out a Strategy for Scotland's Spatial Development to 2025 (published by the Scottish Executive). It recognises the linkage between planning and transport e.g. planning decisions can influence the demand for transport and play a key role in improving accessibility. There are three key aims within this Strategy: 1. To increase economic growth and competitiveness; 2. To promote social and environmental justice; and 3. To promote sustainable development and protect and enhance thequality of natural and built environments.

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
		3.14 The framework highlights the importance of place and identifying priorities for investment in strategic infrastructure to enable each part of the country to play to its strengths in building a Scotland which is competitive, fair and sustainable. (p.25)
57	Type: Scoping Report Author: Scottish Executive Title: Scotland Rural Development Programme Strategic Environmental Assessment Scoping Report. 9R5004. Date: 4 April 2006 Size: 44 pages Reference: 057_Scotland Rural Development Programme (SRDP) - Strategic Environmental Assessment (SEA) - Scoping Report final [MS word doc]	**Table 5.1: Potentially relevant Plans. Programmes, legislation and guidance** **Name of plan / programme / legislation/guidance** Scottish Executive, (2003) Partnership for a better Scotland: Partnership Agreement **Main requirements of plan / programme / legislation/ guidance** Sets out the policies and direction for government over the 4 years from publication. States a vision for 'a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities'. There are five primary objectives within the agreement: Growing Scotland's Economy growing (sustainably) the Scottish economy Delivering excellent public services Supporting stronger, safer communities Developing a confident, democratic Scotland Working together in partnership (p.19[22]) **Name of plan / programme / legislation/guidance** Scottish Executive (2004) National Planning Framework for Scotland Links to the partnership agreement **Main requirements of plan / programme / legislation/ guidance** Non-statutory framework to guide the spatial development of Scotland to 2025. The key aims of the strategy for Scotland's spatial development to 2025 are: to increase economic growth and competitiveness; to promote social and environmental justice; and to promote sustainable development and protect and enhance the quality of natural and built environments. (p.20[23]) An SEA has been carried out of the NPF SEA ASSESSMENT: All of the aims are likely to have some positive effects on the environment. Increased economic growth and competitiveness can deliver a higher quality of life, improved infrastructure and better environments. A commitment to environmental justice can ensure improved living environments and better health for disadvantaged communities. However, care will need to be taken to ensure that development promoted in furtherance of economic growth and competitiveness complements and reinforces environmental aims and objectives. Proposals will need to be carefully assessed at the development plan and project stages. (p.19, 20)
62/1	Type: Appendix – Structure Plan Topic Papers (App) Author: Clackmannanshire Council and Stirling Council Title: Structure Plan Topic Papers: Appendix 1(d): Date: April 2006 Size: 32 pages Reference: 062_TopicPapersTogether [MS word doc]	**Changes in legislation and policy guidance** SPP 16 is more clearly founded on the need to achieve environmental justice than its predecessor, NPPG 16 and emphasises the need to move towards a low carbon economy. It introduces a more precautionary approach to opencasting and contains what amounts to a presumption against new opencast coal operations, bringing Scottish policy more closely into line with existing policy in England and Wales (p.25)
62/2	Type: Draft PPS Author: Clackmannanshire Council and Stirling Council Title: Clackmannanshire and Stirling Structure Plan Working Towards Sustainable Development 3rd Alteration Towards 2025 Consultative Draft. Date: March 2007 Size: 71 pages Reference: 062_Chapters Feb 2007 [pdf]	3.11.2 Opencast coal gives rise to particular environmental concerns. The environmental effects of opencast coal working can be particularly intrusive for communities and can give rise to significant adverse environmental effects. The principles of Environmental justice and sustainable development will be a central consideration in determining applications for opencast coal working. Accordingly, there will be a presumption against new opencast development within the Structure Plan area, unless any proposal clearly meets tests of environmental acceptability or local or community benefits as detailed in SPP16. 3.11.3 The Structure Plan sets a strategic framework for opencast coal taking into account SPP 16 principles of environmental justice and sustainable development. The framework directs opencast coal working away from more sensitive locations to reduce environmental and community impacts. In addition, working will only be permitted in any area where it can be clearly demonstrated, using appropriate EIA methodology and other relevant assessments, that the tests of environmental acceptability or local or community benefit can be fully realised. Particular emphasis will be given to the need to mitigate any unacceptable effects. In addition to the relevant planning consents, opencast coal sites are also required to meet the relevant standards for necessary environmental licences before any work can commence. (p.22 [23])
62/3	Type: Background Report Author: Clackmannanshire Council and Stirling Council Title: Clackmannanshire and Stirling Structure Plan Working Towards Sustainable Development 3rd Alteration Towards 2025. Background Report. Date: March 2007 Size: 125 pages Reference: 062_SP 3rd Alt Background Report [pdf]	**Opencast Coal** 3.128 SPP 16 (Opencast Coal) is more clearly founded on the need to achieve environmental justice than its predecessor, NPPG 16. It emphasises the need to move towards a low carbon economy while reiterating that the quality of coal is not a material planning consideration. (p.35 [38])
82	Type: Screening Report (template) Author: SNH Title: SEA Screening Report. Natural Heritage Futures Prospectuses Update. Date: 12 July 2006 Size: 10 pages Reference: 082_Natural Heritage Futures Update -	**LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT** **Criteria for determining the likely significance of effects on the environment** (para numbers refer to paras in schedule 2 of the Environmental Assessment (Scotland) Act 2005) 1 (d) environmental problems relevant to the strategy, plan or programme **Summary of significant environmental effects(negative and positive)** The aim of the prospectuses is to address negative trends on the natural heritage of

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
	SEA - Screening Report [MS word doc] (injustice)	Scotland including biodiversity decline, loss of landscape quality, environmental injustice, depletion/unsustainable use of natural resources including fish, decline in ecosystem functioning in catchments, coasts, marine environments, climate change, loss of greenspace, decline in people's connection with nature. It may also address other (non-natural heritage) environmental problems including public health (lack of regular exercise), air quality, non-ecological aspects of water quality, and damage to historic environments. (p. 5)
83	Type: Environmental Report (template) Author: SEPA Title: National Waste Strategy: Scotland. Lothian and Borders. Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. Strategic Environmental Assessment of Lothian & Borders Area Waste Plan Review. Environmental Report. Date: July 2007 Size: 98 pages Reference: 083_SEA of Lothian and Borders AWP Review Environmental Report [MS word doc]	**Assessment made in relation to each option A. SEA OBJECTIVE 10 - To manage waste in a way that protects communities and their local environment** Environmental Justice: Potential environmental justice issues if new facilities are located on same sites as existing landfills or other facilities (p. 31[48], 36[53], 41[58], 45[62], 53[66]).
86	Type: Environmental Report Appendix Author: Not listed Title: Appendix 2: International, European Community, and National Environmental Protection Objectives; Regional and Local Objectives Date: 23 November 2006 (email date) Size: 9 pages Reference: 086_Appendix 2 List of Plans [MS word doc] (injustice)	**Appendix 2 International, European Community, and National Environmental Protection Objectives; Regional and Local Objectives** This appendix lists key legislation, plans, programmes, policies and strategies that influence or are influenced by the EDLP2. Their content, where appropriate, has been used to inform the environmental objectives for the SEA of the EDLP2. **Name of plan / programme** National Waste Plan (03/2003) **Summary / Key objectives** To minimise the impact of waste on the environment To improve resource use efficiency in Scotland To remedy environmental injustices To increase the amount of waste collected by local authorities that is recycled or composted to 25% by 2006 To reduce land-filling of biodegradable waste collected by local authorities to 1.5 million tonnes per year by 2006. (p.3)
88	Type: Scoping Report Author: Scottish Executive Title: A Forward Strategy for Scottish Agriculture: Next Steps Strategic Environmental Assessment Scoping Report Date: 18 July 2006 Size: 26 pages Reference: 088_Agriculture strategy - Next Steps - Strategic Environmental Assessment (SEA) - scoping report - final - 18 July 2006 [MS word doc]	**Table 5.1: Potentially relevant Plans. Programmes, legislation and guidance** **Potentially relevant Plans. Programmes, legislation and guidance** **Name of plan / programme / legislation/guidance** Scottish Executive, (2003) Partnership for a better Scotland: Partnership Agreement **Main requirements of plan / programme / legislation/ guidance** Sets out the policies and direction for government over the 4 years from publication. States a vision for 'a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities'. There are five primary objectives within the agreement: Growing Scotland's Economy Growing (sustainably) the Scottish economy Delivering excellent public services Supporting stronger, safer communities Developing a confident, democratic Scotland Working together in partnership (p.10) **Name of plan / programme / legislation/guidance** Scottish Executive (2004) National Planning Framework for Scotland Links to the partnership agreement **Main requirements of plan / programme / legislation/ guidance** Non-statutory framework to guide the spatial development of Scotland to 2025.The key aims of the strategy for Scotland's spatial development to 2025 are: to increase economic growth and competitiveness; to promote social and environmental justice; and to promote sustainable development and protect and enhance the quality of natural and built environments. An SEA has been carried out of the NPF SEA ASSESSMENT: All of the aims are likely to have some positive effects on the environment. Increased economic growth and competitiveness can deliver a higher quality of life, improved infrastructure and better environments. A commitment to environmental justice can ensure improved living environments and better health for disadvantaged communities. However, care will need to be taken to ensure that development promoted in furtherance of economic growth and competitiveness complements and reinforces environmental aims and objectives. Proposals will need to be carefully assessed at the development plan and project stages. (p.11)
93	Type: Letter from SNH to Local Housing Strategy Officer. Author: SNH (Ron MacDonald, Area Manager) Title: Environmental Assessment (Scotland) Act 2005 Aberdeen Local Housing Strategy 2006-2011. Date: 25 August 2006 Size: 10 pages Reference: 093_A394452_ [MS word doc] If you require further information, advice or comment from SNH, please do not hesitate to contact Zoë Kemp (at zoe.kemp@snh.gov.uk or on 01738 458588). Yours sincerely	**Plan Context** This section would have benefited from a more focused approach to identifying relevant policies and plans. It would be helpful if this section identified the key policy drivers, and their source, which underlie the strategy or could be affected by the strategy. For example key national, regional and local policies on social inclusion, health and well-being, environmental justice and economic development could be identified. Reference is made to some irrelevant policy, for example NPPG12 Skiing Developments, while missing out some key policy and advice notes relevant to housing, such as the Scottish Executive Policy Statement on Designing Places. (p.4)
94/1	Type: Environmental Report Appendix Author: Not listed	**Name of Plan/ Programme/ Objective** Scottish Executive (2003) Partnership for a better Scotland Partnership Agreement

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
	Title: APPENDIX 2 A96 SEA Links to Other Plans Table. Date: 11 August 2006 (email date) Size: 58 pages Reference: 094_Appendix 2 A96 SEA Links to Other Plans Table v2 25.07.06 [MS word doc]	**Title of legislation and main requirements of plan/ programme/ objective** Sets out the policies and direction for government over the 4 years from publication. States a vision for 'a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities'. There are five primary objectives within the agreement: • Growing (sustainably) the Scottish economy • Delivering excellent public services • Supporting stronger, safer communities • Developing a confident, democratic Scotland • Working together in partnership **How it affects, or is affected by the A96 Corridor Masterplan in terms of SEA issues at Schedule 2, para 6 (a) of the Regulations** The A96 Masterplan in promoting sustainable development should also focus on environmental justice and partnership if it is aiming to reflect these wider aims (p.12). **Name of Plan/ Programme/ Objective** National Planning Framework for Scotland (2004) Links to the Partnership agreement above **Title of legislation and main requirements of plan/ programme/ objective** A non-statutory, planning policy document prepared by the Scottish Executive which looks at Scotland from a spatial perspective and sets out an achievable long-term vision to guide the spatial development of Scotland to 2025. The key aims of the strategy are: • to increase economic growth and competitiveness; • to promote social and environmental justice; and • to promote sustainable development and protect and enhance the quality of natural and built environments. The NPF promotes the City-Region as one of the key development areas in Scotland over the next 20 years, specifically referring to potential within the A96 Corridor. Both the Highland Structure Plan and the Inverness Local Plan identify the Corridor as the preferred location for long-term development. **How it affects, or is affected by the A96 Corridor Masterplan in terms of SEA issues at Schedule 2, para 6 (a) of the Regulations** This refers Inverness and the Inner Moray Firth is an economic development zone with considerable potential. To the east of the City, the A96 Corridor and the Airport offer opportunities for future expansion. The A96 Masterplan should reinforce the importance on sustainable development, promoting community regeneration, involvement and economic growth where feasible. The Plan will address issues surrounding sustainable transport for both freight and passengers. The Plan will also recognise the importance of transport to economic growth and social inclusion. (p.26)
94/2	Type: Environmental Report Appendix Author: Not listed Title: Appendix 7: Synopsis of National Planning Guidance that SEA of A96 Adheres to. Date: 11 August 2006 Size: 26 pages Reference: 094_Appendix 7 Synopsis of National Planning Guidance v1 [MS word doc]	**Scottish National Planning Policy & Guidance Tier Name of plan/ programme. Objective** National Planning Framework for Scotland (2004) Links to the Partnership agreement above [Partnership Agreement not listed in this document] **Title of legislation and main requirements of plan/ programme/ objective** A non-statutory, planning policy document prepared by the Scottish Executive which looks at Scotland from a spatial perspective and sets out an achievable long-term vision to guide the spatial development of Scotland to 2025. The key aims of the strategy are: • to increase economic growth and competitiveness; • to promote social and environmental justice; and • to promote sustainable development and protect and enhance the quality of natural and built environments. The NPF promotes the City-Region as one of the key development areas in Scotland over the next 20 years, specifically referring to potential within the A96 Corridor. Both the Highland Structure Plan and the Inverness Local Plan identify the Corridor as the preferred location for long-term development. **How it affects, or is affected by the A96 Corridor Masterplan in terms of SEA issues at Schedule 2, para 6 (a) of the Regulations** This refers Inverness and the Inner Moray Firth is an economic development zone with considerable potential. To the east of the City, the A96 Corridor and the Airport offer opportunities for future expansion. The A96 Masterplan should reinforce the importance on sustainable development, promoting community regeneration, involvement and economic growth where feasible.The Plan will address issues surrounding sustainable transport for both freight and passengers. The Plan will also recognise the importance of transport to economic growth and social inclusion. (p.1)
95	Type: Scoping Report (template) Author: North Lanarkshire Council Title: North Lanarkshire Local Plan. Strategic Environmental Assessment Scoping Report Date: 10 August 2006 Size: 47 pages Reference: 095_00088 Scoping - North lanarkshire council - Local plan - Scoping request received in gateway - 10 August 2006 [MS word doc] (injustice)	**Appendix 1 Strategies, Plans and Programmes Reviewed** NAME: National Waste Plan 2003 SEA THEME: Waste and Resources, Communities OBJECTIVES: overall objective: ensuring progress towards sustainable management of Scotland's waste and achievement of Scotland's waste and achievement of EU landfill reduction targets by 2010, 2013 and 2020 to minimise impact of waste on the environment, both locally and globally to improve resource efficiency in Scotland to remedy environmental injustices suffered by those who have to live with the

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		consequences of a wasteful society interim targets: to increase waste collected by local authorities that is recycled or composted to 25% by 2006 and to reduce landfilling of biodegradable waste collected by local authorities to 1.5 million tonnes per year by 2006. (p.16)
98/1	Type: Screening Report Author: South Lanarkshire Council (Robert Howe) Title: Screening Report. South Lanarkshire Council. Sustainable Development Strategy. Date: 21 August 2006 Size: 10 pages Reference: 098_00091 Screening - South lanarkshire council - Sustainable development strategy - Screening request received in gateway - 22 August 2006 [pdf]	**SEA screening report - section 2, considering the likely significance of effects on the environment** **2(d) the risks to human health or the environment (for example, due to accidents)** **Summary:** Environmental quality improvements and the encouragement of physical activity and better dietary habits are intended to lead to improvements in health. This will be an important potential outcome for the strategy in terms of environmental justice. (p.8)
98/2	Type: Environmental Report Author: South Lanarkshire Council Community Resources Title: Draft Environmental Report South Lanarkshire Sustainable Development Strategy. Date: May 2007 Size: 172 pages Reference: 098_COMM_Environmental-report-draft [pdf]	**5. Sustainable Development Strategy – The issues and options** The issues identified are listed below under each of the strategy's seven draft objectives. They are combination of issues that are both internal and external to the council but on which it is considered that the strategy could have some impact. Below each list of issues a range of potential options for moving forward are set out. Objective 6: To secure quality living environments for health, wellbeing and prosperity. g. Environmental justice - the environment is a resource for everyone but equal access to this resource is not always available. (p.46[47])
113	Type: Environmental Report Author: Entec. Defence Estates. Army. Title: Strategic Environmental Assessment of the Army Super Garrison Proposal. Date: October 2006 Size: 106 pages Reference: 113_Army Super Garrison Scoping Report [pdf]	**Appendix A Relevant Plans, Programmes and Strategies** **UK Regional Spatial Strategies** **Plan, Programme or Strategy** The National Planning Framework for Scotland (2004) The Scottish Executive. **Objectives and Targets identified in the Document** Objectives: The National Planning Framework for Scotland has the following three objectives: 1. To increase economic growth and competitiveness; 2. To promote social and environmental justice; 3. To promote sustainable development and protect and enhance the quality of natural and built environments. **Commentary How the SEA objectives accommodate the documents requirements** The objectives [key aims] of this National Planning Framework should be incorporated into any ASG proposal for this region (if applicable).
141	Type: Scoping Report Author: Entec UK Limited Title: East Ayrshire Council Strategic Environmental Assessment (SEA) of East Ayrshire Council Open Space Strategy Scoping Report. Date: May 2007 Size: 82 pages Reference: 141_rr013i1 [pdf]	**Appendix A Review of Plans and Programmes** Scottish Executive (2004) National Planning Framework for Scotland The National Planning Framework (NPF) for Scotland describes Scotland as it is in 2004 and identifies key issues and drivers of change and sets out a vision for Scotland's spatial development to 2025. The key aims of the strategy for Scotland's spatial development to 2025 are: • To increase economic growth and competitiveness; • To promote social and environmental justice; • To promote sustainable development and protect and enhance the quality of natural and built environments. Objectives for Ayrshire: • To improve environmental quality in former mining areas; • To further develop cultural, business and activity based tourism opportunities; • To enhance landscape quality and create multi purpose woodlands which benefit local communities. **Key Targets and Indicators Relevant to SEA of Open Space Strategy** The NPF does not include any targets or indicators. The NPF is not intended to be prescriptive; it offers a description of Scotland and establishes a vision for Scotland spatial development to 2025. **Implications for Open Space Strategy** Strategy should ensure that it supports the objectives of the NPF, in particular, those relating to the environment and landscape of Ayrshire. **Implications for SEA** This is covered by all SEA objectives. (p.52)
142/1	Type: Scoping Report Appendix Author: Not Listed Title: SEA of West Dunbartonshire Community Plan. Date: 19 March 2007 Size: 28 pages Reference: 142_West Dunbartonshire Community Plan Scoping Report 19 03 07 Appendix 1 - other PPS [MS word doc] (injustice)	**UK and National Plans, Programmes and Strategies** The National Waste Plan 2003 Status: Statement of Scottish Executive polices for waste, coordinated by SEPA Source: http://www.sepa.org.uk/pdf/nws/guidance/national_plan_2003.pdf **Key objectives relevant to plan and SEA** This National Waste Plan establishes the direction of the Scottish Executive's policies for sustainable waste management to 2020. It is built around a major commitment of funding by the Executive to transform Scotland's record on waste reduction, recycling, composting and recovery. The aims of the Plan are to minimise the impact of waste on the environment, both locally and globally, to improve resource use efficiency in Scotland, and to remedy the environmental injustices suffered by thosewho have to live with the consequences of a wasteful society. In Building a Better Scotland the Executive set an overall objective of ensuring progress towards sustainable management of Scotland's waste and achievement of European Union landfill reduction targets by 2010, 2013 and 2020. **Key targets and indicators relevant to plan and SEA** Implementing this national plan will: provide widespread segregated kerbside waste collections across Scotland (to over 90% of households by 2020); aim to stop growth in the amount of municipal waste produced by 2010; achieve 25% recycling and composting of municipal waste by 2006, and 55% by 2020 (35% recycling and 20% composting); recover energy from 14% of municipal waste; reduce landfilling of

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
		municipal waste from around 90% to 30%; provide widespread waste minimisation advice to businesses; and develop markets for recycled material to help recycling become viable and reduce costs. **Implications for plan** The plan should address waste reduction and recycling in West Dunbartonshire. **Implications for SEA** Waste issues should be considered in the framework and baseline data. (p.18,19 [21,22])
142/2	Type: Environmental Report Appendix Author: CAG consultants Title: SEA of West Dunbartonshire Community Plan Draft Environmental Report Appendix 2: Review of other plans, programmes and strategies. Date: 03 May 2007 Size: 35 pages Reference: 142_WD Community Plan SEA Appendix 2 Other PPS FINAL [MS word doc] (injustice).	**UK and National Plans, Programmes and Strategies** The National Waste Plan 2003 Status: Statement of Scottish Executive polices for waste, coordinated by SEPA Source: http://www.sepa.org.uk/pdf/nws/guidance/national_plan_2003.pdf **Key objectives relevant to plan and SEA** This National Waste Plan establishes the direction of the Scottish Executive's policies for sustainable waste management to 2020. It is built around a major commitment of funding by the Executive to transform Scotland's record on waste reduction, recycling, composting and recovery. The aims of the Plan are to minimise the impact of waste on the environment, both locally and globally, to improve resource use efficiency in Scotland, and to remedy the environmental injustices suffered by those who have to live with the consequences of a wasteful society. In Building a Better Scotland the Executive set an overall objective of ensuring progress towards sustainable management of Scotland's waste and achievement of European Union landfill reduction targets by 2010, 2013 and 2020.See also Glasgow and Clyde Valley Area Waste Plan below, which includes a detailed framework for delivering the Plan at a local level. (p.24) **Key targets and indicators relevant to plan and SEA** Implementing this national plan will: provide widespread segregated kerbside waste collections across Scotland (to over 90% of households by 2020); aim to stop growth in the amount of municipal waste produced by 2010; achieve 25% recycling and composting of municipal waste by 2006, and 55% by 2020 (35% recycling and 20% composting); recover energy from 14% of municipal waste; reduce landfilling of municipal waste from around 90% to 30%; provide widespread waste minimisation advice to businesses; and develop markets for recycled material to help recycling become viable and reduce costs. **Implications for plan** The plan should address waste reduction and recycling in West Dunbartonshire. **Implications for SEA** Waste issues should be considered in the framework and baseline data.
146/1	Type: Scoping Report (Draft) Author: Scott Wilson Scotland Limited Title: Strategic Environmental Assessment of the New Pentland Hills Regional Park Plan Draft Scoping Report. Date: December 2006 Size: 26 pages Reference: 146_PHRP Scoping Report _December 2006_ [pdf]	**Introduction** **Strategic Environmental Assessment in Scotland** 1.1.3 Scotland has advocated the increased promotion of sustainable development principles and environmental justice for many years, and the requirements of the SEA (Scotland) Regs provided an opportunity for the Scottish Parliament to increase the remit for SEA in Scotland through the enactment of the Environmental Assessment (Scotland) Act 2005 (The Act), which extends the provision of public sector plans subject to SEA to include all plans, programmes and strategies (PPS). It is important to clarify that the term 'plans, programmes and strategies' is not to be taken literally, and that any document that resembles a PPS may be subject to SEA if its content is likely to have significant effects on the environment. (p.1[4]) **Key messages for the Pentland Hills Regional Park Plan from the context review** Key messages – the Pentland Hills Regional Park Plan should seek to: Seeking environmental justice. (p.10[12])
146/2	Type: Environmental Report Author: Pentland Hills Regional Park, Scott Wilson Title: Pentland Hills Regional Park. Strategic Environmental Assessment of the Pentland Hills Regional Park Plan – Environmental Report Final Report – June 2007 Date: June 2007 Size: 100 pages Reference: 146_PHRP - SEA June 07 [pdf]	**Introduction** **Strategic Environmental Assessment in Scotland** 3.1.3 Scotland has advocated the increased promotion of sustainable development principles and environmental justice for many years, and the requirements of the SEA (Scotland) Regs provided an opportunity for the Scottish Parliament to increase the remit for SEA in Scotland through the enactment of the Environmental Assessment (Scotland) Act 2005 (The Act), which extends the provision of public sector plans subject to SEA to include all plans, programmes and strategies (PPS). It is important to clarify that the term 'plans, programmes and strategies' is not to be taken literally, and that any document that resembles a PPS may be subject to SEA if its content is likely to have significant effects on the environment. (p.5[6]) **Key messages for the Pentland Hills Regional Park Plan from the context review** Key messages – the Pentland Hills Regional Park Plan should seek to: Seek environmental justice. (p.15[16]) **Enjoying the Outdoors – An SNH Policy Framework Draft July 06** The following 4 goals are part of building a better Scotland through recreation. 1. Delivering economic benefits. 2. Improving public health. 3. Increasing Civic Responsibility 4. Seeking environmental justice. (p.51[52])
147/1	Type: Scoping Report (template) Author: sportscotland (David Liddell) Title: SEA Scoping Report. sportscotland Corporate Plan 2007-11. Date: 14 February 2007 Size: 20 pages Reference: 147_corporate plan sea scoping [MS word doc] [National Waste Strategy and National Waste Plan is mentioned but not EJ]	**Table 1. Plans, programmes, strategies and environmental objectives to be analysed in the Environmental Report for their relationship with sportscotland Corporate Plan 2007-11** **Name of PPS/ environmental protection objective** Choosing Our Future: Scotland's Sustainable Development Strategy **Explanatory notes on any environmental protection objectives listed** Explanatory notes on any environmental protection objectives listed Details the Scottish Executive's strategy for tackling issues such as climate change, biodiversity, resource use, pollution and environmental justice. As a Scottish public body, sportscotland aims to accord with this strategy. (p 6)
147/2	Type: Environmental Report Author: Natural Capital Title: Environmental Report. sportscotland. Strategic	**ENVIRONMENTAL BASELINE** **Health and Accessibility** Programmes to support recreational and sporting improvements can make an important

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
	Environmental Assessment (SEA): Environmental Report for sportscotland Corporate Plan 2007/2011. June 2007. Date: June 2007 Size: 65 pages Reference: 147_Strategic Environmental Assessment [pdf]	contribution to community health and environmental justice as the most deprived communities often live in the worst environments. People living in the most deprived areas have particular concerns about their local environment and quality of life issues such as health, safety, vandalism, crime, the behaviour of young people, litter and dereliction. Scotland faces some critical challenges in planning for and delivering sustainable development whether through new infrastructure investment (transport, schools, hospitals), housing development, improved sports and recreational facilities or community regeneration. Access to sports and recreation facilities together with the encouragement of people to participate in sport can clearly play a positive role in helping to deal with not only health issues but also issues such as the behaviour of young people, vandalism, crime and safety. (p.25[30])
151	Type: Environmental Report Author: Land Use Consultants Title: Fife Access Strategy Review 2006-2016 Strategic Environmental Assessment (Sea) Environmental Report Prepared For Fife Council By Land Use Consultants August 2007. Date: August 2007 Size: 109 pages Reference: 151_Strategy Environmental Report 090807 [pdf]	**ENVIRONMENTAL PROBLEMS** **Population and health** **Potential future trends** If air pollution increases in Fife in the future, respiratory disease incidences may rise. The relationships between environmental pollutants and health are complicated and often uncertain. Little information is available specifically for Fife on the effect of diffuse pollution (the main cause of water pollution in Fife) on health. Lastly, given that Fife's Scottish Index of Multiple Deprivation score has deteriorated between 2004 and 2006, this may negatively affect the level of 'environmental justice' in Fife in the long-term. Social deprivation, and some aspects of environmental quality, such as air quality, proximity to industrial sites and derelict land, can impact health and well-being. (p.34-35 [40-41]) **Objective 13 Support access improvements that encourage people to use more sustainable transport** **Discussion** Research has shown that there is a correlation between areas of poor environmental quality and high social deprivation in Scotland[1]. Therefore Objective 13 will have a positive impact on reducing transport related air pollution which will have a beneficial effect on health and air quality related inequalities. [1] SNIFFER (2005) Investigating Environmental Justice in Scotland - Links Between Measures of Environmental Quality and Social Deprivation. (p.[94])
161/1	Type: Scoping Report (App) (template) Author: Scottish Executive (Fiona Simpson) Title: SEA Scoping Report. The National Planning Framework. Date: 8 February 2007 Size: 49 pages Reference: 161_Strategic Environmental Assessment - Scoping Report - February 2006 [MS word doc] (injustice)	**APPENDIX A – Contextual Analysis** **Table A. Relationship with other PPS and environmental objectives** **Name of PPS objective** National Waste Plan 2003 **Environmental requirements of PPS** Brings together Area Waste Plans and sets out an action plan for radical change to waste management in Scotland. Key challenges include reducing landfilled waste in line with EU targets (see above), and increasing recycling, composting and energy from waste. Confirms target of recycling or composting 25% of municipal waste by 2006 and 55% by 2020. Underlying aims include reducing the environmental impacts of waste management and addressing current environmental injustices. **How it affects, or is affected by the National Planning Framework** Continuing progress towards reaching waste management goals will require further provision of appropriate facilities and infrastructure. Cross boundary working is important to achieve this in an efficient way, and the National Planning Framework could complement Area Waste Plans and the National Waste Strategy by exploring requirements for strategic facilities. (p.39[43])
161/2	Type: Letter from SNH to the National Planning Framework Team. Author: SNH Clydebank Office (John Thomson) Title: National Planning Framework SEA: Assessment Of Strategic Alternatives. Date: 13 September 2007 Size: 5 pages Reference: 161_PF 267_06-07_ Final response - SE National Planning Frameworks Scoping Report - 13 September 2007 [MS word doc]	**Response to consultation questions** Do you agree that the NPF has a role to play in identifying long-term regeneration areas that are driven by social need as well as economic opportunity? Should the environmental justice agenda also play a key role in guiding future regeneration investment? Yes – and landscape and biodiversity enhancement can make important contributions to these objectives. (p.3)
161/3	Type: Letter to the NPF Team. Author: SEPA (Neil Deasley) Title: Strategic Environmental Assessment NPF2 – Assessment of Strategic Options Discussion Paper. Date: 20 September 2007 Size: 21 pages Reference: 161_Discussion paper consultation (161) [MS word doc]	**Annex A** **Potential Development Strategy for second National Planning Framework – adapted from first National Planning Framework** A key element of the spatial strategy… to promote high quality neighbourhoods and environmental justice. (p.14)
166	Type: Scoping Report (App) Author: Perth & Kinross Council; AEA Energy & Environment Title: Strategic Environmental Assessment of Perth Air Quality Action Plan Scoping Report for submission to the Scottish Executive SEA Gateway Issue Number 1. Date: March 2007 Size: 56 pages Reference: 166_Perth Kinross AQAP SEA Scoping Report Final1c TJB sig [pdf]	**Appendix 1** **Context of Perth AQAP – Related Plans / Programmes / Strategies** **Name of plan/Programme/Strategy** Choosing Our Future – Scotland's Sustainable Development Strategy **Main requirements or objectives of PPS** This Strategy outlines how the Scottish Executive aims to realise their commitment to building a sustainable future for Scotland. It is based upon the principles of environmental justice. Scotland's priorities for action are: • Enhancing the well-being of Scotland's people; • Supporting thriving communities; • Reducing Scotland's global environmental impact; and • Protecting the nation's natural heritage and resources. **How it affects/is affected by the Action Plan in terms of SEA topics listed in the Act** The Scottish Executive are committed to driving change in the key areas of transforming how we deal with our waste, capitalising on the country's renewable energy sources and taking action on climate change, in order to meet both UK and International targets on

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
		sustainable development. This Strategy outlines how Scotland will put these measures into action. The Air Quality Action Plan should structure its policies/ proposals/ priorities with the aim of helping to meet national targets on sustainable development and in particular improvements in air quality. (p.36) **Aims of the National Planning Framework** A strong emphasis is placed upon achieving sustainable development through planning. Therefore, the AQAP should be developed in the context of the Sustainable Development objectives for Scotland. (p.37)
167	Type: Scoping Report Author: Scottish Executive Title: Environmental Assessment (Scotland) Act 2005. Scottish Planning Policy (SPP)14 Natural Heritage. Strategic Environmental Assessment. Scoping Report. Date: 8 June 2007 Size: 35 pages Reference: 167_SPP14 - SEA Scoping Report - 8 June 2007 [MS word doc]	**Summary of environmental objectives of relevant plans, policies and strategies, and implications for SPP14** Key population related policies include the Land Reform (Scotland) Act 2003, which has introduced wider access rights for walkers, cyclists and riders; is leading to the development of core path plans in every local authority area; and has stimulated numerous community land ownership projects. Other policies include statements of regeneration priorities, and planning policy relating to housing land provision. Health objectives are defined for Scotland primarily in national strategies and policies. Key aims include reducing health inequalities and promoting higher levels of physical activity. This is translated into land use policy partly by SPP11 (consultation draft) that aims to promote outdoor recreation as a contribution to physical activity targets. **Summary of implications for SPP 14** The SPP should take this broader policy context into account. Some contributions to the health and social inclusion agendas might be developed within the SPP, primarily via the environmental justice agenda. There may be benefit in giving further consideration to the positive and negative effects of the Land Reform agenda on water and land based biodiversity. Possible tensions with wider social objectives, including housing provision and regeneration should be considered, so that potential mutually beneficial solutions could be identified. (p.4 [10]) **Population and human health** A key link between this topic area and population, is the interrelationship between social deprivation and poor quality living environments. Research undertaken for the Scottish Executive in 2004-5 [1] showed that whether or not someone lives in a deprived area is the most significant determinant of concern about environmental problems in their area. The attitudinal surveys undertaken as part of this research also showed that there was a very significant gap between perceptions of those living in the most and least deprived areas of Scotland. Further evidence [2] confirms that there are particularly strong links between social exclusion and poor environmental quality that is brought about by industrial pollution, derelict land, poor river water quality and air pollution. This information forms an interesting and challenging context for the development of the SPP. It might be particularly relevant and useful for the SEA to explore the extent to which the SPP helps to address environmental injustices. Data that supports the broader social baseline is also of general relevance to the assessment, such as the Scottish Index of Multiple Deprivation which provides spatial analysis of multiple factor induced 'social need'. In general, it is anticipated that the SPP should seek to not only avoid exacerbating social and health problems, but may also be able to, at least indirectly, help to reduce them and contribute positively to overall wellbeing. (p.10[16]) [1] Scottish Executive, (2005) Public Attitudes and Environmental justice in Scotland: A report for the Scottish Executive on research to inform the development and evaluation of environmental justice policy, HMSO: Edinburgh. [2] SNIFFER, (2004) Investigating Environmental Justice in Scotland: Final Report, Project UE(03)01, SNIFFER: Edinburgh. **Proposed SEA Objectives and Secondary Criteria to apply in the SEA of SPP14** Proposed SEA Objectives Promotes human health, safeguards or enhances the living environments of people or communities Criteria for tailoring the assessment of SPP14 Contributes to the environmental justice agenda. (p.15[21])
179/1	Type: Scoping Report Author: Aberdeen City Council and Aberdeenshire Council Title: The Aberdeen City and Shire Structure Plan Strategic Environment Assessment: Scoping Report. Date: 16 April 2007 Size: 164 pages Reference: 179_SEA Scoping Report 16 April 2007 FINAL [pdf]	**Name of plan, programme, strategy or environmental objective** SPP4: Planning for Minerals **Requirements of the document** Promotes a sustainable approach to mineral extraction that should reconcile the need for minerals with concern for the natural and built environment and communities in a Manner. **Implication for the structure plan (interim)** Plan should ensure that proposals for mineral extraction to accord with the principles of sustainable development and environmental justice. **Implication for SEA (interim)** Include SEA objectives that: • use land effectively and efficiently; and • protects, maintains and enhances biodiversity, landscape, historic buildings, and archaeological sites. **SEA objectives number (see Table 15)** 7, 8, 15, and 21 –24 **Are there any gaps or problems?** [none listed] (p.60).
179/2	Type: Letter To Team Leader Structure Plans Author: SNH Grampian (Ewen Cameron) Title: Environmental Assessment (Scotland) Act 2005: The Aberdeen City And Shire Structure Plan. Date: 18 May 2007 Size: 5 pages Reference: 179_The Aberdeen City and Shire Structure Plan SEA [MS word doc]	**Setting the Context** Chapter 3 and Appendix 2 present a thorough summary of the relevant plans, strategies and policies. SNH would recommend addition of the following relevant policies… *Policy Summaries* - Environmental Justice and the Natural Heritage (p.2)
179/3	Type: Report informing members of CA's response Author: Aberdeen City Council and Aberdeenshire Council Title: Aberdeen City and Shire Strategic Planning Committee: 25 June 2006 SEA Scoping Report – Response from the Consultation Authorities.	**Response from the Consultation Authorities** Action proposed: Suggest that reference could be made to the following national …SNH Policy Summaries - • Environmental Justice and the Natural Heritage; Action to be taken: Disagree to the inclusion of further documents as it will add little value, and they may be more appropriate at the local plan level. (p.6, 20)

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
	Date: 25 June 2006 [date error refers to 2007 dates in document] Size: 25 pages Reference: 179_2007_05_25 SEA Scoping Report - Draft v9 [MS word doc]	
185	Type: Scoping Report (App) Author: Perth & Kinross Council Title: SEA Scoping Report. The Draft Eastern Area Local Plan. Date: 25 April 2007 Size: 97 pages Reference: 185_Draft Eastern Area Local Plan SEA Scoping Report [MS word doc]	**Appendix 2 Analysis of other Strategies, Plans and Programmes** **Name of plan/programme/ objective** National Planning Framework, 2004 & Monitoring Report, 2006 **Main requirements of plan/programme/ objective** Guiding the spatial development of Scotland to 2025 Key Aims: • to increase economic growth and competitiveness • to promote social and environmental justice; and • to promote sustainable development and protect and • enhance the quality of natural and built environments. Monitoring Report Key issues to tackle: • to highlight long-term transport options and promote more sustainable patterns of transport use; • to invest in water and drainage infrastructure to support development; • to realise the potential of Scotland's renewable energy resources; and • to provide the facilities to meet waste recycling targets. **How it affects, or is affected by the Draft Eastern Area Local Plan in terms of SEA issues at Schedule 2, para 6 (a) of the Regulations** The key aims of the National Planning Framework should be translated through the policies and proposals of the local plan into a local context. These key aims, if applied to the Eastern area Local Plan review should have a positive influence on the results of the SEA and the overall plan. (p.35)
187	Type: Scoping Report (Draft) Author: Scott Wilson Title: The Highland Council Torvean / Charleston Development Brief Strategic Environmental Assessment – Scoping Report (Draft). Prepared for The Highland Council. Date: 14 August 2007 Size: 39 pages Reference: 187_Draft torvean SEA scpoing report 14-08-07 [pdf]	**Introduction** **1.1 Strategic Environmental Assessment in Scotland** Scotland has advocated the increased promotion of sustainable development principles and environmental justice for many years, and the requirements of the SEA (Scotland) Regs provided an opportunity for the Scottish Parliament to increase the remit for SEA in Scotland through the enactment of the Environmental Assessment (Scotland) Act 2005, which extends the provision of public sector plans subject to SEA to include all plans, programmes and strategies (PPS). It is important to clarify that the term 'plans, programmes and strategies' is not to be taken literally, and that any document that resembles a PPS may be subject to SEA if its content is likely to have significant effects on the environment. (p.1[4]) **2.3 Key messages from the context review** Key messages – the Development Brief Plan should seek to: Promote environmental justice. (p.12[16])
194	Type: Draft Policy Statement Author: SNH Title: Rangers In Scotland – Draft SNH Policy Statement. Date: July 2007 Size: 17 pages Reference: 194_Rangers1 [MS word doc]	**The Changing Context** Within local authorities, Rangers are being asked to contribute to a wide range of other policy agendas including health; social inclusion; environmental justice; volunteering; sustainable transport; rural development etc. This trend is raising the profile of Rangers but it is also setting new challenges and eroding their distinctive role. Coupled to this, the implementation of new policy agendas for outdoor access; biodiversity; education; greenspace / open space projects has been accompanied by employment of new staff. The development of this wider access, countryside and greenspace function is a positive development, but it has impacted on some ranger services in a variety of ways. (p.5)
195/1	Type: Scoping Report Author: Forest Enterprise Scotland Title: The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 Strategic Environmental Assessment of the Forest Enterprise Scotland Forest District Strategic Plans Scoping Report. Date: May 2007 Size: 166 pages Reference: 195_FDSP SEA Scoping Report [pdf]	**Summary of baseline conditions** It is particularly useful to compare spatial characteristics of the forestry sector with the Scottish Executive's Index of Multiple Deprivation, in order to explore how it is contributing to wider aims such as social inclusion, and the role which forestry has to play as part of the environmental justice agenda. This provides insights into specific areas where there are concentrations of poor health, unemployment, low income, and poor educational attainment, and where forestry initiatives could provide potential benefits for the population. (p.22[26]) **Environmental Issues** Sustainable development underpins most national level policies across the full range of policy sectors, with an emphasis not only on environmental objectives, but also economic growth, and environmental justice. (p.33[37]) **SEA Objectives** To maximise the role of woodland and forestry in contributing to health and wellbeing **SEA Criteria** Will the FDSP policy promote forestry management which helps to reduce health inequalities and encourage increased activity levels? Will the FDSP policy promote forestry and woodland contributes towards achieving social justice, environmental justice and community wellbeing? **Policy Reference** OFDP; HIS; LMSMA; OFDP; WIAT (p.41[45])
195/2	Type: Scoping Report (Revised) Author: Forest Enterprise Scotland Title: The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. Strategic Environmental Assessment of the Forest Enterprise Scotland Forest District Strategic Plans. Scoping Report Revised With Track Changes. July 2007. Date: July 2007 Size: 172 pages Reference: 195_FDSP SEA Scoping Report	Same as above except the page references are as follows: **Summary of baseline conditions** It is particularly useful to compare spatial characteristics of the forestry sector with the Scottish Executive's Index of Multiple Deprivation, in order to explore how it is contributing to wider aims such as social inclusion, and the role which forestry has to play as part of the environmental justice agenda. This provides insights into specific areas where there are concentrations of poor health, unemployment, low income, and poor educational attainment, and where forestry initiatives could provide potential benefits for the population. (p.24[28]) **Environmental Issues**

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
	Revised with track changes 1_08_07 [MS word doc] The Responsible Authority for undertaking the SEA is the Forestry Commission Scotland. FDSPs are prepared by Forest Enterprise Scotland on behalf of FCS and the Scottish Executive. [NOTE: Review the policies in the last mention (important)]	Sustainable development underpins most national level policies across the full range of policy sectors, with an emphasis not only on environmental objectives, but also economic growth, and environmental justice. (p.37[41]) **SEA Objectives** To maximise the role of woodland and forestry in contributing to health and wellbeing **SEA Criteria** Will the FDSP policy promote forestry management which helps to reduce health inequalities and encourage increased activity levels? Will the FDSP policy promote forestry and woodland contributes towards achieving social justice, environmental justice and community wellbeing? **Policy Reference** OFDP; HIS; LMSMA; OFDP; WIAT (p.45[49])
218	Type: Scoping Report (App) Author: SNH (Mary Christie) Title: Corporate Strategy 2008- Corporate Plan 2008-2013. Strategic Environment Assessment Scoping Report. Date: 31 August 2007 Size: 25 pages Reference: 218_Corporate Strategy - SEA - Scoping Report [MS word doc] 3 mentions	**Appendix A - Other Relevant Plans and Programmes with environmental objectives relevant to the environmental assessment of SNH's Corporate Strategy** (table to be completed in Environmental Report) **Name and details of strategy/plan/programme** Scottish Sustainable Development Strategy: Choosing our Future 2005 **Main requirements** Based on UK Shared Framework. Includes 3 priorities: Reduce the size of our global footprint; Improve the quality of life of individuals and communities in Scotland, securing environmental justice for those who suffer the worst local environments; Protect our natural heritage and resources for the long term (p.16) **Name and details of strategy/plan/programme** National Planning Framework for Scotland 2004 **Main requirements** Non-statutory framework to guide the spatial development of Scotland to 2025. The key aims of the strategy for Scotland's spatial development to 2025 are: • to increase economic growth and competitiveness; • to promote social and environmental justice; and • to promote sustainable development and protect and enhance the quality of natural and built environments. (p.16) **Appendix B – Environmental Baseline** **Population and Human Health** 6.1 The environment plays a significant part in the health and quality of life of individuals and communities in Scotland, but the relationship between environmental pollutants and health is complex and uncertain. Other factors also affect health and further work is required to investigate environmental impacts. There is growing evidence that environmental factors affect both our health and well-being, and contribute to environmental injustice. (p.23)
220/1	Type: Scoping Report Author: Jacobs, Faber Maunsell AECOM, Transport Scotland. Title: Forth Replacement Crossing [FRC] Study Strategic Environmental Assessment Scoping Report. Date: July 2007 Size: 40 pages Reference: 220_FRC Scoping [pdf]	**2.1.5 Other Relevant PPS** Table 2.1 below summarises the PPS, legislation and environmental protection objectives that have been reviewed and will be taken into consideration during the preparation of the SEA. The Environmental Report will contain a full review of the PPS and their relationship to the FRC. **Table 2.1 Relevant PPS, Legislation and Environmental Protection Objectives: National** Scottish Natural Heritage Policy Summary: Environmental Justice and the Natural Heritage, August 2004. (p.6 [8])
220/2	Type: Environmental Report Author: Jacobs, Faber Maunsell AECOM, Transport Scotland Title: Forth Replacement Crossing Study Strategic Environmental Assessment Environmental Report. Date: September 2007 Size: 124 pages Reference: 220_Submission [pdf]	**3.4 Relationship with Other Plans, Programmes and Strategies** The SEA Act requires that this Environmental Report includes an outline of the strategy's relationships with other relevant plans and programmes. Key relevant plans, programmes and strategies are listed below in Table 3.1. Appendix B provides details of the relevant environmental objectives within each of these documents, and others, and briefly highlights their relevance to the FRC. **Table 3.1 Relevant PPS, Legislation and Environmental Protection Objectives - National** Scottish Natural Heritage Policy Summary: Environmental Justice and the Natural Heritage, August 2004. (p.20) **Relevant Policies, Plans and Strategies** Scottish Natural Heritage Policy Summary: Environmental Justice and the Natural Heritage, August 2004 **Relevant Objective of Programme / Plan / Strategy** Sets out SNH's vision for environmental justice including access to local greenspace, involvement in environmental decisions and access to environmental information. **Relationship with Forth Replacement Crossing** The construction of a new Forth crossing has the potential to result in environmental injustice for some residents in the vicinity. New major infrastructure close to residential could adversely affect the quality of life of residents, caused by for example increased noise from construction and major increases in traffic volumes. However, without a replacement crossing, access from Edinburgh and other areas south of the Forth to Fife and the surrounding area would be severely limited, with transport options being limited to train crossing and buses and cars having to travel via the Kincardine Bridge (p.74).
232	Type: Scoping Report Author: SEPA Title: A Climate Change Plan for SEPA. Strategic Environmental Assessment Scoping Report. Environmental Assessment (Scotland) Act 2005. Date: August 2007 Size: 21 pages Reference: 232_CCP Scoping Report submitted version [MS word doc]	**Wider considerations in The Proposed Assessment Method – The SEA Framework** In line with objectives for environmental justice? (p.1[11])

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
239/1	Type: Scoping Report Author: The Scottish Government Planning Directorate Title: Environmental Assessment (Scotland) Act 2005. Revision of Scottish Planning Policy (SPP)3 Planning for Housing. Strategic Environmental Assessment. Scoping Report. Date: September 2007 Size: 37 pages Reference: 239_00224 Scoping - The scottish government - SPP3 planning for housing - Scoping request received in the gateway - 11 September 2007#2 [MS word doc]	**Summary of environmental problems** **Water** Flooding is a key aspect of the water environment that has particular relevance to planning for housing. Recent research [16] explored the social impacts of flooding in Scotland, and showed that there is variation in the nature and scale of effects from flooding events experienced by those living in different tenures of housing. These findings relate to the environmental justice agenda – for example, due to particularly high levels of stress and health impacts on lower income households, and lower levels of insurance associated with public sector housing. The report noted that many survey respondents felt that local authorities were contributing to future flooding problems by granting consent for developments in high risk areas. Wider development policies, including the provisions of SPP7 : Planning and Flooding, should be taken into account when giving further consideration to the relationship between planning for housing and flood risk. (p.15) [16] Wrritty [sic], A., Houston, D., Ball, T., Tavendale, A., and Black, A. (2007) Exploring the Social Impacts of Flood Risk and Flooding in Scotland, Scottish Executive: Edinburgh.
239/2	Type: Scoping Report Author: The Scottish Government Planning Directorate Title: Environmental Assessment (Scotland) Act 2005. Revision of Scottish Planning Policy (SPP)3 Planning for Housing. Strategic Environmental Assessment. Scoping Report. Date: September 2007 Size: 37 pages Reference: 239_00224 Scoping - The scottish government - SPP3 planning for housing - Updated scoping request received in the gateway - 12 September 2007 [MS word doc]	**Summary of environmental problems** **Water** Flooding is a key aspect of the water environment that has particular relevance to planning for housing. Recent research [17] explored the social impacts of flooding in Scotland, and showed that there is variation in the nature and scale of effects from flooding events experienced by those living in different tenures of housing. These findings relate to the environmental justice agenda – for example, due to particularly high levels of stress and health impacts on lower income households, and lower levels of insurance associated with public sector housing. The report noted that many survey respondents felt that local authorities were contributing to future flooding problems by granting consent for developments in high risk areas. Wider development policies, including the provisions of SPP7 : Planning and Flooding, should be taken into account when giving further consideration to the relationship between planning for housing and flood risk (p.15). [17] Wrritty [sic], A., Houston, D., Ball, T., Tavendale, A., and Black, A. (2007) Exploring the Social Impacts of Flood Risk and Flooding in Scotland, Scottish Executive: Edinburgh.
240	Type: Scoping Report Author: SISTech; enfusion; MWH Title: Scottish Government. What is Sustainable Flood Management? – A Consultation. Strategic Environmental Assessment Scoping Report. 41514778. 093-01.03. Date: September 2007 Size: 82 pages Reference: 240_SEA for Sustainable Flood Management - Scoping Report [pdf]	**Table A 1 - Summary of PPS review** **Name of PPS objective** National Planning Framework for Scotland (2004) **Environmental requirements of PPS** Statement of high level planning policy in Scotland, to be updated every 4 years. The NPF is a non-statutory planning document which looks at a snapshot of Scotland, identifies drivers of change, and sets out a long-term vision for 2025. The key long-term objectives are: • To increase economic growth and competitiveness; • To promote social and environmental justice; and • To promote sustainable development and protect and enhance the quality of natural and built environments. Identifies the need for provision of more housing in areas of high demand potentially increasing development pressures on floodplains. Identifies lack of wastewater drainage capacity as a key issue constraining growth in parts of Scotland. **How it affects, or is affected by the SFM Proposals** SFM will be required to respond to the pressures identified in the National Planning Framework in a way consistent with Scotland's sustainable development policies. Proposals for SFM should tie in with the long-term objectives of the National Planning Framework. (p.44)
249	Type: Scoping Report Appendices Author: Jacobs; Faber Maunsell AECOM; Grant Thornton; Transport Scotland Title: Strategic Transport Projects Review. Strategic Environmental Assessment Scoping Report. Scoping Report Appendices. Date: October 2007 Size: 60 pages Reference: 249_Appendices - Final 08.10.07- SEA Gateway Issue [pdf]	**Appendix 1: Review of PPSs and environmental objectives, Additional – to be reviewed** Scottish Natural Heritage Policy Summary: Environmental Justice and the Natural Heritage, August 2004. (p.5)
252	Type: Scoping report (template) Author: SSMEI [Scottish Sustainable Marine Environment Initiative] Firth of Clyde Pilot steering group (Firth of Clyde Forum) acting on behalf of Scottish Government Marine Management Division (Kate Thompson) Title: Scoping Report. Firth of Clyde Marine Spatial Plan. Date: 5 November 2007 Size: 41 pages Reference: 252_FoCMSP SEA scoping report FINAL [MS word doc]	**Appendix 2: Relationship of Other Policies, Plans and Programmes to Firth of Clyde Marine Spatial Plan [FoCMSP]** **Policy, Plan or Programme** National Planning Framework for Scotland 2004 http://www.scotland.gov.uk/Publications/2004/04/19170/35317 **Relevant Objectives** The National Planning Framework is a non-statutory framework to guide the spatial development of Scotland to 2025. The key aims of the strategy are: • to increase economic growth and competitiveness; • to promote social and environmental justice; and • to promote sustainable development and protect and enhance the quality of natural and built environments. The key elements of the spatial strategy to 2025 are: • to support the development of Scotland's cities as the main drivers of the economy; • to spread the benefits of economic activity by promoting environmental quality and connectivity;

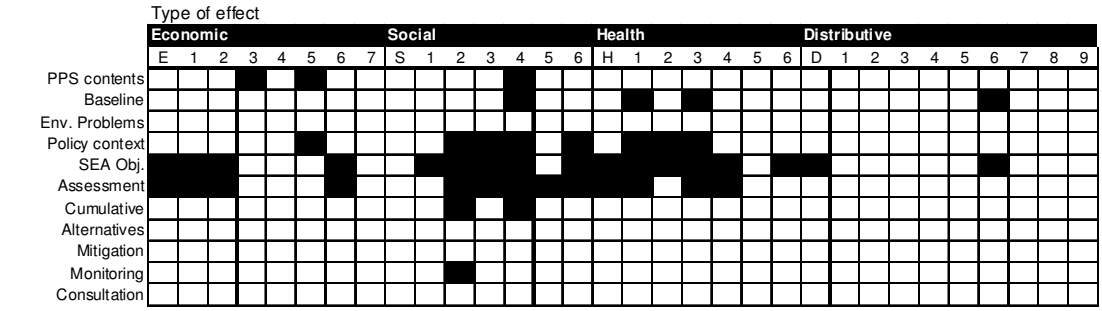
SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
		• to enable the most disadvantaged communities to benefit from growth and opportunity; • to strengthen external links; • to promote economic diversification and environmental stewardship; • to highlight long-term transport options and promote more sustainable patterns of transport and land use; • to invest in water and drainage infrastructure to support development; • to realise the potential of Scotland's renewable energy resources; • to provide the facilities to meet waste recycling targets; and • to extend broadband coverage in every area of Scotland **Relationship with FoCMSP** FoCMSP should recognise key elements of the strategy including: • Identification of Clyde Corridor and Central Ayrshire as Economic Development Zones with surrounding areas (including much of Ayrshire and Clyde estuary coasts) named as Associated Areas • Recognition of HIE Fragile Areas with strong emphasis on supporting economic and community development – these include Kintyre south of Tarbert, Cowal, Bute and Cumbraes • Identification of Hunterston as substantial deep water container port opportunity • Ayrshire and the Southwest are an important gateway for Scotland. The aim should be to build on the success of Prestwick Airport, realise the potential of deep-water assets at Hunterston and strengthen strategic transport corridors between Ireland and the Continent. There is a need to improve connectivity to secure better integration with the economy of the Central Belt. • Strategy map indicates marine energy potential offshore from c. Turnberry Point south. (p. 36, 37[38, 39])
253	Type: Screening Report (template) Author: West Dunbartonshire Council (Cheryl Gallagher) Title: SEA Screening Report. West Dunbartonshire Sustainable Development Strategy. Date: 5 November 2007 Size: 10 pages Reference: 253_SEA SCREEN SD STRATEGY [MS word doc]	**Proposed PPS Objectives – West Dunbartonshire Sustainable Development Strategy** - Promote environmental justice. (p.9)
257	Type: Scoping Report Author: Entec UK Limited Title: Scottish Water Strategic Environmental Assessment of the Water Resource Plan 2008 [WRP08] Scoping Report. Date: November 2007 Size: 50 pages Reference: 257_Scottish Water SEA Scoping Report for WRP08 [pdf]	**Context - Summary of environmental objectives of relevant plans, programmes and strategies** **Key objectives and policy Messages [Population and human health]** Ensure that measures to improve the health and wellbeing of the population of Scotland are appropriately supported. **Inclusion in SEA objectives** Question under Objective 2 **Key objectives and policy Messages [Population and human health]** Achievement of economic development and reduction of inequalities whilst adhering to the principles of social and environmental justice and sustainable development. **Inclusion in SEA objectives** Questions under Objective 1 [see note below] **Key objectives and policy Messages [Population and human health]** Ensure that initiatives to encourage physical activity and achieve sporting potential are supported. **Inclusion in SEA objectives** Question under Objective 2 **Sources** Scottish Executive (2002) Scottish Planning Policy 2 Economic Development; Scottish Executive (2004) Framework for Economic Development in Scotland; Sport Scotland (2004) Sport 21 2003-2007: The National Strategy for Sport in Scotland; Scottish Executive Physical Activity Task Force (2003) Let's Make Scotland More Active: A strategy for physical activity; Scottish Executive (2003) 'Partnership for Care': Scotland's Health White Paper; The Scottish Executive (2003) Improving Health in Scotland – The Challenge. (p.9[15]) **3. Framework proposed for the Environmental Assessment** **3.1 Framework for assessing environmental effects** **Table 3.1 Provisional objectives for SEA of WRP08** **Objective** 1. Economy and employment To enhance the economic performance of Scotland and increase economic opportunity **Key Questions** Will it help to enhance overall economic growth of Scotland and contribute towards narrowing the gap in economic performance and inequality? Will it support an increase in the number, quality, diversity, or vitality of businesses? Will it help to meet employment needs of all sections of society? **Schedule 3** Population (p.23[29]) **Appendix A: Relationship with other plans, programmes and strategies. Table A Relevance and objectives of other plans, programmes and strategies** **Objectives identified in this document** SPP2 supports the role of planning in delivering the Framework for Economic Development in Scotland. It concludes that the planning system can play a significant role in achieving a competitive Scotland which is committed to the principles of social and environmental justice and sustainable development. **SPP2 focuses on four themes where planning can contribute to economic development:** • Providing a range of development opportunities - to ensure that there is range and choice of sites for new employment opportunities throughout Scotland. • Securing new development in sustainable locations – to improve integration between transport and locations for development and to encourage more sustainable forms of development. • Safeguarding and enhancing the environment – to make sure that new development contributes to a high standard of quality and design and that the natural and built

SEPA No.	*Document details*	*Explicit reference to environmental justice or environmental justice in context*
		environment is protected; and • Promoting a dialogue between councils and business – to encourage a positive culture of engagement and better understanding of the priorities of the business community and the role of the planning system in enhancing economic competitiveness. It states as a general principle that planning policy relating to economic development must have regard to Executive policies and initiatives on social and environmental justice, community planning, sustainable development, transport, design and the environment as well as National and European Regional Policy. **Relationships with the WRP and SEA objectives** Although focused on the planning system, SPP2 highlights the economic issues of policy importance, and many of these would also be relevant for development resulting from the WRP. Implementation of SPP2 may also contribute to higher demand for water resources in areas of economic growth. The SEA should ensure that the natural environment is protected and enhanced. (p.A3, A4 [38, 39])
-	Type: SEPA internal document Author: SEPA Title: Qualifying Plans Policies and Strategies for SEA Reference Date: Undated Size: 25 Reference: SEA Qualifying Plans - Table [MS word doc]	**Name of PPS** National Waste Plan 2003 **Function** Brings together Area Waste Plans and sets out an action plan for radical change to waste management in Scotland. Key challenges include reducing landfilled waste in line with EU targets (see above), and increasing recycling, composting and energy from waste. Confirms target of recycling or composting 25% of municipal waste by 2006 and 55% by 2020. Underlying aims include reducing the environmental impacts of waste management and addressing current environmental injustices. www.sepa.org.uk/pdf/nws/guidance/national_plan_2003.pdf (p.15) **Name of PPS** National Planning Framework for Scotland (2004) Scottish Executive **Function** Non-statutory framework to guide the spatial development of Scotland to 2025. The key aims of the strategy for Scotland's spatial development to 2025 are: • to increase economic growth and competitiveness; • to promote social and environmental justice; and • to promote sustainable development and protect and enhance the quality of natural and built environments. www.scotland.gov.uk/Publications/2004/04/19170/35317 (p.20) **Name of PPS** Partnership for a better Scotland: Partnership Agreement. (2003) Scottish Executive **Function** Sets out the policies and direction for government over the 4 years from publication. States a vision for 'a Scotland that delivers sustainable development; that puts environmental concerns at the heart of public policy and secures environmental justice for all of Scotland's communities'. There are five primary objectives within the agreement:; • Growing (sustainably) the Scottish economy • Delivering excellent public services • Supporting stronger, safer communities • Developing a confident, democratic Scotland • Working together in partnership www.scotland.gov.uk/Publications/2003/05/17150/21952 (p.24)

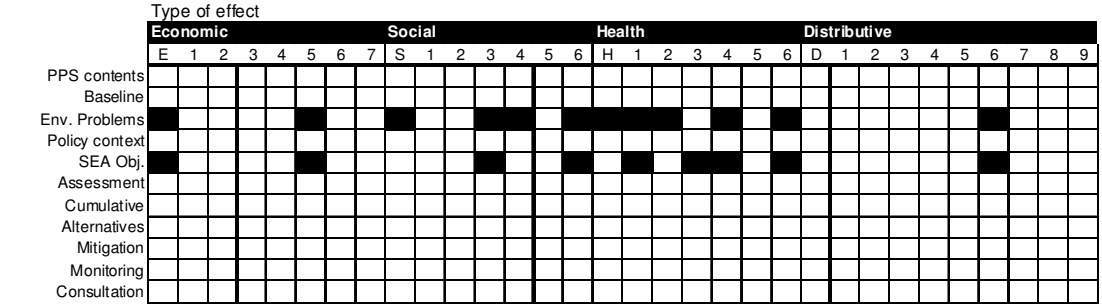
Appendix G

Summaries of the economic, social, health and distributive content SEA Guidance for use in Scotland

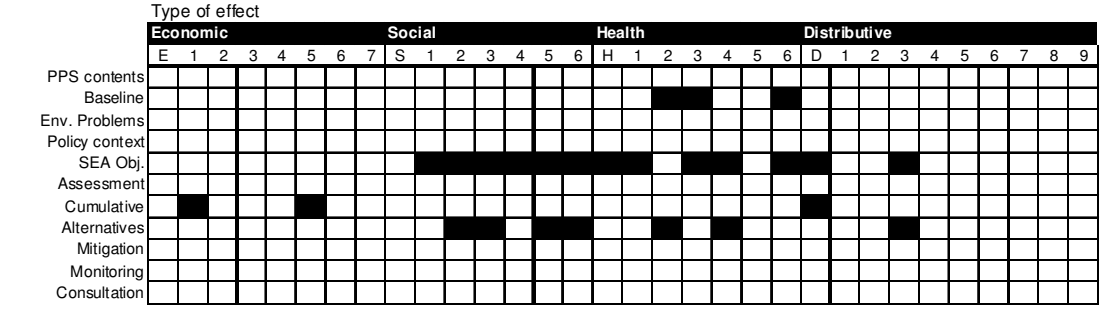
Environmental Assessment of Development Plans: Interim Planning Advice (DTA 2003)



Scottish Transport Appraisal Guidance (STAG) (Scottish Executive 2003)



A Draft Practical Guide to the Strategic Environmental Assessment Directive (ODPM 2004)



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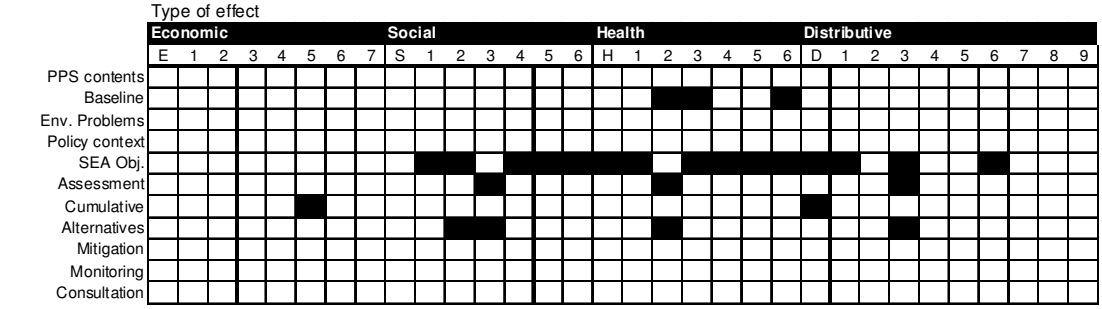
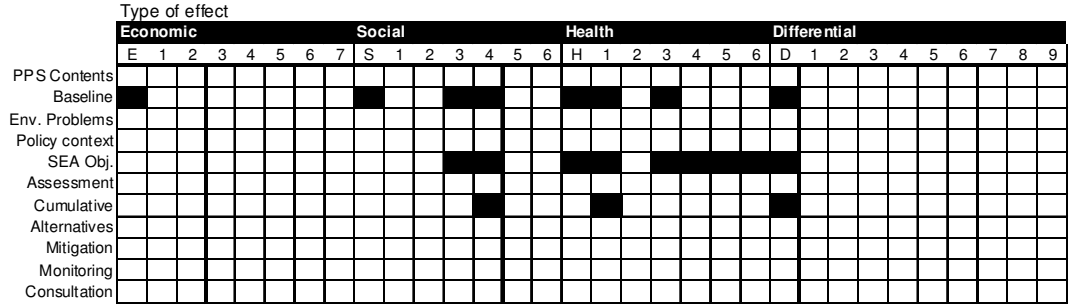


Strategic Environmental Assessment Tool Kit (Scottish Executive 2006)



KEY

Categories

Code	*Information derived from Annex 1 of the SEA Directive (CEC 2001)*
PPS contents	(a) an outline of the contents, main objectives of the plan or programme
Baseline	(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme; (c) the environmental characteristics of areas likely to be significantly affected;
Env. problems	(d) any existing environmental problems which are relevant to the plan or programme…
Policy context	(a) [the] relationship with other relevant plans and programmes; (e) 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;
SEA Obj.	[1]
Assessment	(f) 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;
Cumulative	The cumulative effects included in the assessment (above)
Mitigation	(g) 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;
Alternatives	(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken…
Monitoring	(i) a description of the measures envisaged concerning monitoring in accordance with Article 10.

[1] SEA Objectives are not required by the SEA Directive but are the technique recommended for use by all SEA guidance

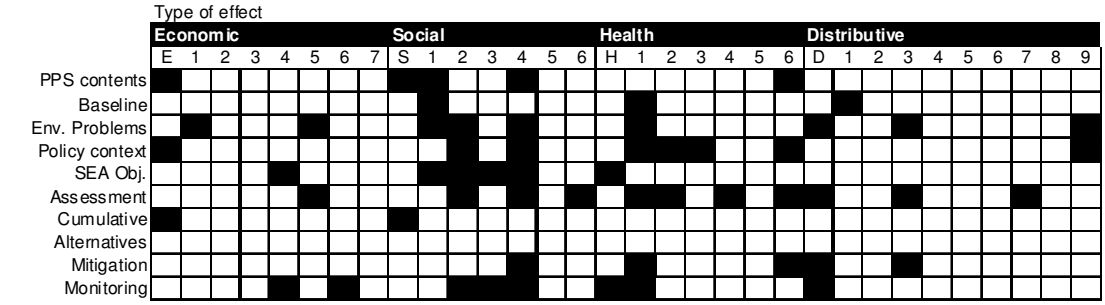
Type of effects

Code	*Type of effect*
E	Economic
1	Direct employment, including employment generation and safeguarding of existing employment
2	Indirect employment (e.g. skills or training for employment)
3	Other labour market, such as changes in wage levels or commuting patterns
4	Expenditure and income, including the use of local suppliers, rates and rental payments and other types of expenditure
5	Existing commercial activities or the direct promotion of future activities (including tourism, agriculture and fisheries)
6	The development potential of the area, including changes in the image of the area or in investor confidence
7	Property values
S	Social
S1	Population and demographic structure
S2	Accommodation and housing
S3	Facilities or services (including healthcare facilities, access to transportation)
S4	Character or image of an area
S5	Stability (e.g. due to in-migration)
S6	Security (e.g. incidence of social problems such as crime)
H	Health
H1	Access to recreation, parks or areas of particular amenity value
H2	Physical activity (e.g. through public transport, cycling and walking)
H3	Exposure or potential for exposure (e.g. to noise, air pollution, contaminated or derelict land, flood risk etc)
H4	Safety (e.g. road traffic accidents).
H5	Illness (e.g. respiratory illness, infections)
H6	Mental wellbeing (e.g. 'psychosocial' effects such as perception of safety or enjoyment of an area)
D	Distributive (general category)
D1	Deprivation or income
D2	Gender
D3	Age
D4	Ethnic
D5	Disability
D6	Vulnerable groups
D7	Future generations
D8	People in other countries
D9	Climate change

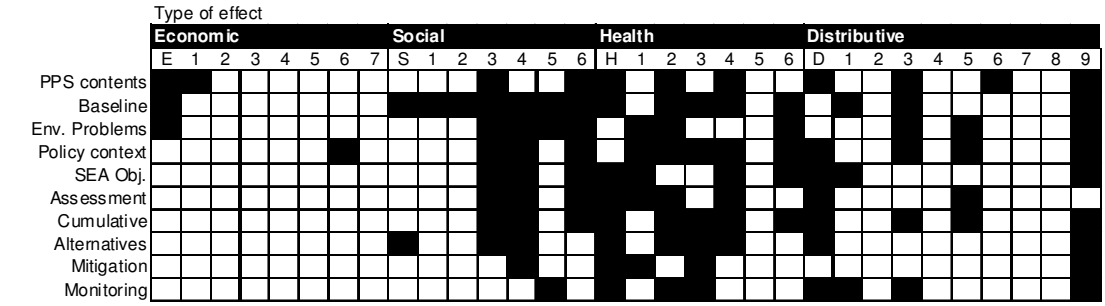
Appendix H

Summaries of the economic, social, health and distributive content of the SEA Environmental Reports from the sample of 16 plans, programmes and strategies

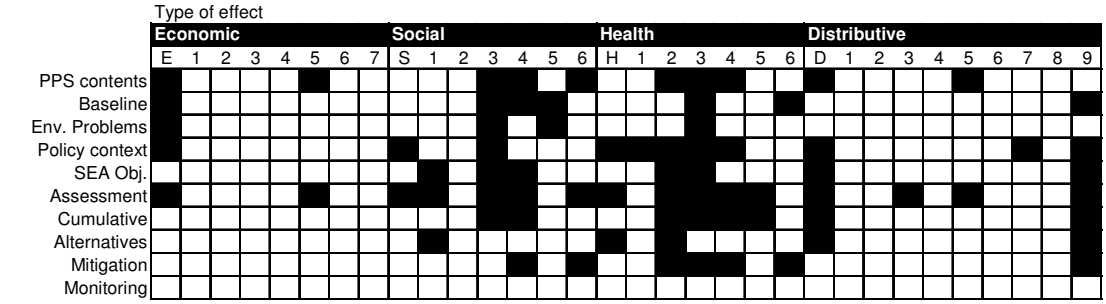
14. Cairngorms National Park Plan



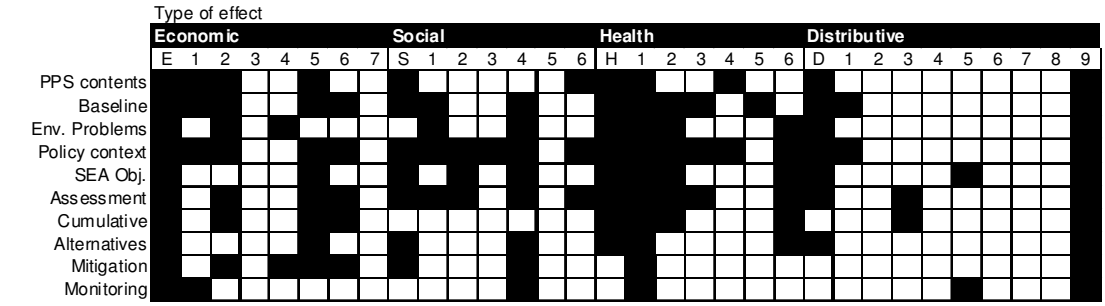
24. Aberdeenshire Local Transport Strategy



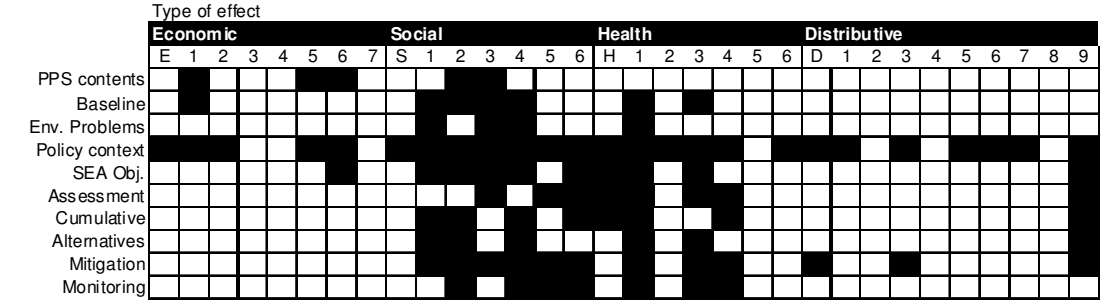
28. Scottish Executive National Transport Strategy



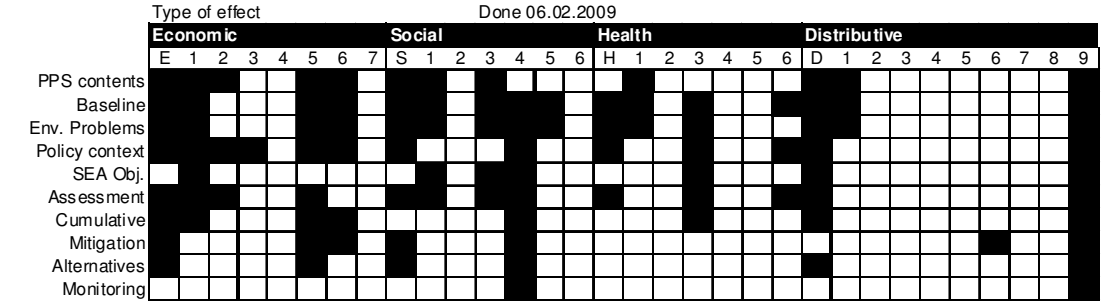
29. Scottish Forestry Strategy



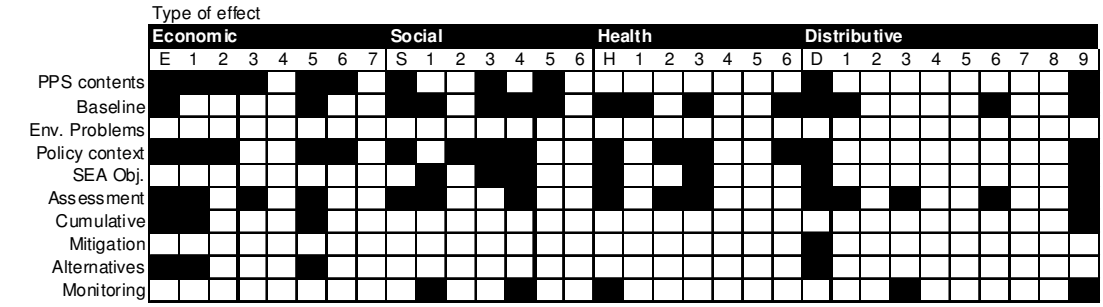
36. Caltongate Masterplan - Redevelopment of New Street Bus Station B152 and Neighbouring Land



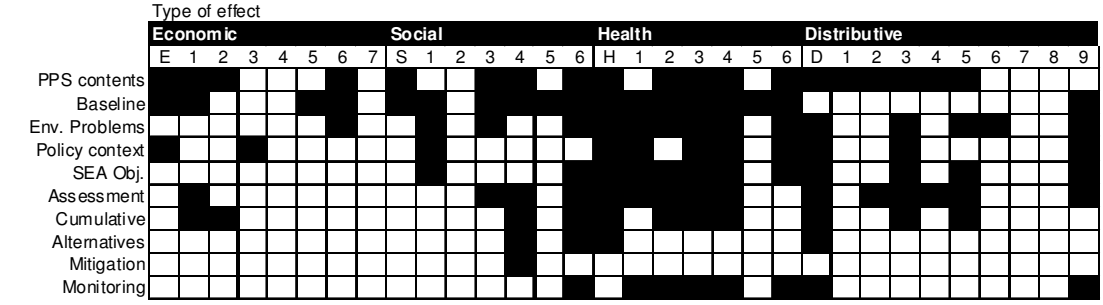
42. Highlands and Islands ERDF Operational Programme 2007-2013



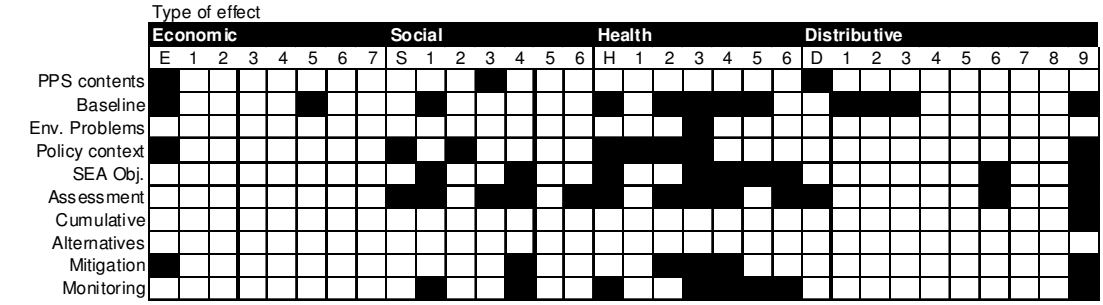
49. Lowlands and Uplands ERDF Operational Programme 2007-2013



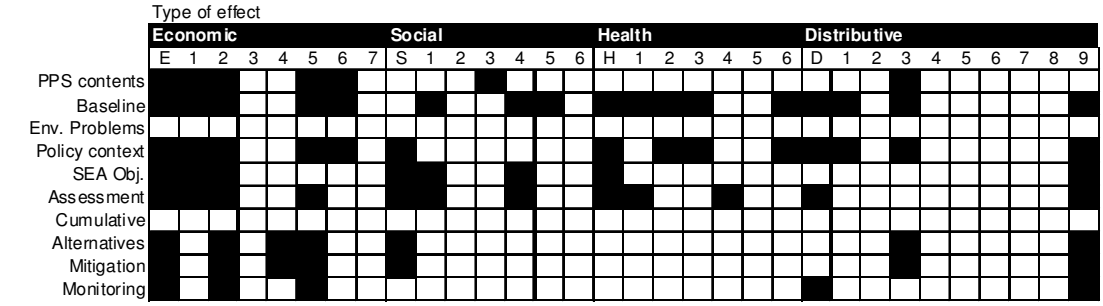
69. Glasgow Local Transport Strategy



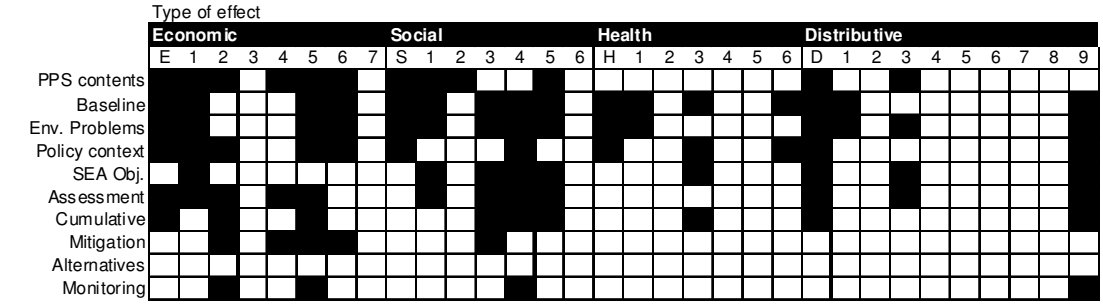
76. Midlothian Local Transport Strategy



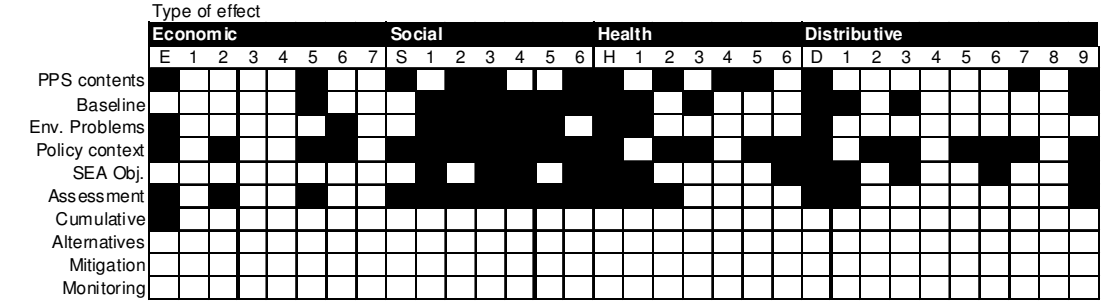
90. Scottish Enterprise Operating Plan



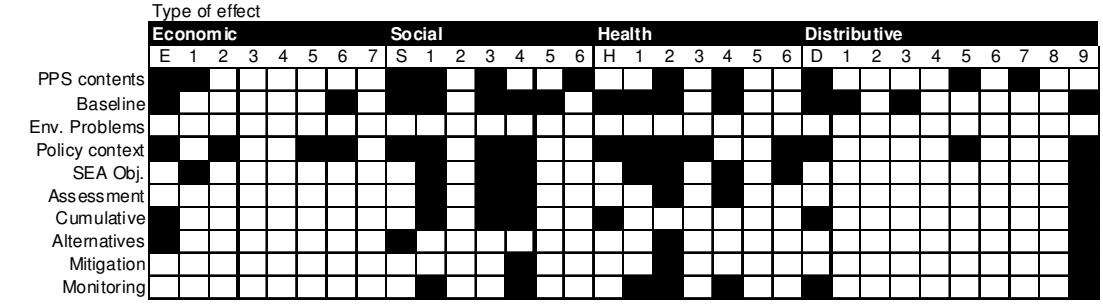
92. Highlands and Islands Enterprise - Operational Plan 2007-2010



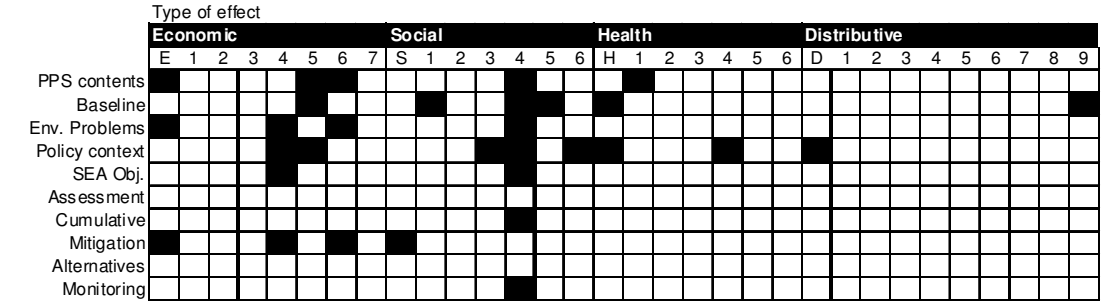
121. Community Plan for Orkney



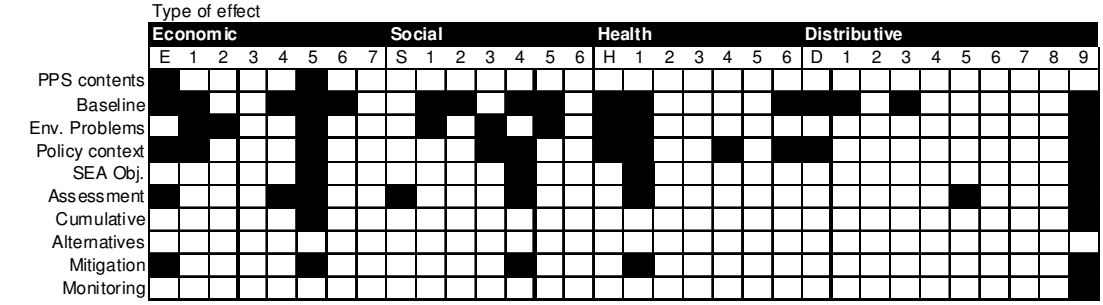
136. Local Transport Strategy



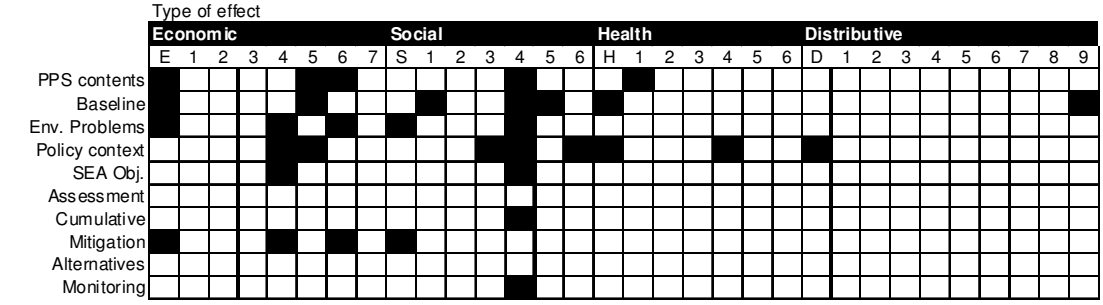
137. Pitlochry Conservation Area Appraisal



138. Corporate Plan 2007-2010



143. Coupar Angus Conservation Area Appraisal



KEY

Categories

Code	*Information derived from Annex 1 of the SEA Directive (CEC 2001)*
PPS contents	(a) an outline of the contents, main objectives of the plan or programme
Baseline	(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme; (c) the environmental characteristics of areas likely to be significantly affected;
Env. problems	(d) any existing environmental problems which are relevant to the plan or programme…
Policy context	(a) [the] relationship with other relevant plans and programmes; (e) 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;
SEA Obj.	[1]
Assessment	(f) 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;
Cumulative	The cumulative effects included in the assessment (above)
Mitigation	(g) 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;
Alternatives	(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken…
Monitoring	(i) a description of the measures envisaged concerning monitoring in accordance with Article 10.

[1] SEA Objectives are not required by the SEA Directive but are the technique recommended for use by all SEA guidance

Type of effects

Code	*Type of effect*
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7	Property values
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S3	Facilities or services (including healthcare facilities, access to transportation)
S4	Character or image of an area
S5	Stability (e.g. due to in-migration)
S6	Security (e.g. incidence of social problems such as crime)
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H1	Access to recreation, parks or areas of particular amenity value
H2	Physical activity (e.g. through public transport, cycling and walking)
H3	Exposure or potential for exposure (e.g. to noise, air pollution, contaminated or derelict land, flood risk etc)
H4	Safety (e.g. road traffic accidents).
H5	Illness (e.g. respiratory illness, infections)
H6	Mental wellbeing (e.g. 'psychosocial' effects such as perception of safety or enjoyment of an area)
D	Distributive (general category)
D1	Deprivation or income
D2	Gender
D3	Age
D4	Ethnic
D5	Disability
D6	Vulnerable groups
D7	Future generations
D8	People in other countries
D9	Climate change

Appendix I

Timeline of SEA Document availability for the sample of 16 plans, programmes and strategies

No.	*Plan, Programme or Strategy Name*	*Responsible Authority*	*Screening consultation*		*Scoping consultation*		*Environmental report consultation*		*Environmental report consultation (Additional)*		*Post adoption statement prepared*
			from	*to*	*from*	*to*	*from*	*to*	*from*	*to*	
2	Falkirk Local Plan (Final)	Falkirk Council					21 Jul 04	10 Sep 04			18 Apr 07
14	Cairngorms National Park Plan	Cairngorms National Park Authority	21 Mar 05	18 Apr 05	22 Jul 05	26 Aug 05	31 Mar 06	30 Jun 06			15 Mar 07
15	Cairngorms National Park Local Plan	Cairngorms National Park Authority	21 Mar 05	18 Apr 05	22 Jul 05	26 Aug 05	21 Dec 05	28 Feb 06	10 Jul 07	28 Sep 07	Apr 07
18	South Lanarkshire Local Plan	South Lanarkshire Council			15 Apr 05	20 May 05	14 Oct 05	25 Nov 05	03 Aug 06	14 Sep 06	Apr 07
24	Aberdeenshire Local Transport Strategy	Aberdeenshire Council			26 Aug 05	30 Sep 05	15 Jun 06	01 Sep 06			Mar 07
28	National Transport Strategy	Scottish Executive	04 Nov 05	02 Dec 05	16 Dec 05	20 Jan 06	22 May 06	13 Jul 06			Dec 06
29	Scottish Forestry Strategy	Forestry Commission Scotland			11 Nov 05	16 Dec 05	06 Mar 06	29 May 06			09 Nov 06
32	Freshwater Fisheries and Aquaculture	Scottish Executive			01 Dec 05	20 Dec 05	08 May 06	03 Jul 06	30 Nov 06	11 Dec 06	Nov 06
36	Caltongate Masterplan	City of Edinburgh Council	19 Dec 05	23 Dec 05[a]	07 Feb 06	14 Mar 06[b]	21 Apr 06	02 Jun 06			19 Jan 07
42	Highlands and Islands ERDF Operational Programme 2007-2013	Scottish Executive	30 Jan 06	27 Feb 06	10 Mar 06	14 Apr 06	13 Nov 06	29 Jan 07			Mar 07
49	Lowlands and Uplands ERDF Operational Programme 2007-2013	Scottish Executive	01 Mar 06	29 Mar 06	08 May 06	12 Jun 06	13 Nov 06	29 Jan 07			Mar 07
69	Glasgow Local Transport Strategy	Glasgow City Council			30 May 06	04 Jul 06	29 Sep 06	24 Nov 06			May 07
76	Midlothian Local Transport Strategy	Midlothian Council			28 Jun 06	02 Aug 06	25 Sep 06	03 Nov 06			May 07
90	Scottish Enterprise Operating Plan	Scottish Enterprise			24 Jul 06	01 Sep 06	08 Dec 06	02 Feb 07			Mar 07
92	Operational Plan 2007-2010	Highlands and Islands Enterprise			03 Aug 06	06 Sep 06	08 Dec 06	26 Jan 07			Mar 07
121	Community Plan for Orkney	Orkney Islands Council	24 Oct 06	21 Nov 06	19 Dec 06	23 Jan 07	16 Feb 07	30 Mar 07			12 Oct 07
136	Orkney Local Transport Strategy	Orkney Islands Council	27 Nov 06	22 Dec 06	05 Jan 07	09 Feb 07	20 Feb 07	03 Apr 07			11 Apr 07
137	Pitlochry Conservation Area Appraisal	Perth & Kinross Council	01 Dec 06	28 Dec 06	02 Feb 07	09 Mar 07	07 May 07	15 Jun 07			31 Jul 07
138	Corporate Plan 2007-2010	VisitScotland	01 Dec 06	29 Dec 06	28 Feb 07	04 Apr 07	07 May 07	18 Jun 07			Aug 07
143	Coupar Angus Conservation Area Appraisal	Perth & Kinross Council	14 Dec 06	11 Jan 07	02 Feb 07	09 Mar 07	14 May 07	27 Jun 07			05 Sep 07
180	Orkney Islands Inter Isles Connectivity (STAG) Study	Orkney Islands Council			20 Apr 07	25 May 07	12 Jul 07	23 Aug 07			Oct 07

KEY
No. SEPA PPS identification number
Screening Date of screening consultation (data from SEPA)
Scoping Date of scoping consultation (data from SEPA)
Consultation Date environmental report available for public consultation (data from the PAS; E data taken from environmental report; S data taken from SEPA data)
PAS Date Post Adoption Statement (PAS) available (data from the PAS)

[a] SEPAs records list that an additional Screening consultation took place on the 23 Mar 06

[b] SEPAs records indicate an additional Scoping consultation took place 5 Apr 06 and 10 Apr 06

Appendix J

Judgements made in decision matrices that do not employ SEA Objectives summarised in the SEA Environmental Reports from the sample of 16 plans programmes or strategies

No.	SEA Issues	Topics against which SEA Issues were assessed					Total judgements
		PPS objectives	PPS Policies	Alternatives	Compatibility	Total	
14						0	0
24						0	0
28						0	0
29	-				1170	1170	1170
36	10			3		3	30
42						0	0
49						0	0
69						0	0
76	8			7		7	56
90						0	0
92						0	0
121						0	0
136	9			3		3	27
137	11		13			13	143
138						0	0
143	11		13			13	143

Appendix K

Participant information sheet and interview consent form

University of Strathclyde

PROJECT INFORMATION SHEET

Strategic environmental assessment and its potential to contribute to environmental justice

Introduction

You are invited to take part in an interview. The research will form the basis of a thesis with the working title of *Strategic environmental assessment and its potential to contribute to environment justice*. Before you decide whether to participate it is important that you understand why the research is being done and what it will involve. Please take time to read the following information carefully.

If you wish to discuss any aspect of this research please do not hesitate to contact the principal researcher, Anna McLauchlan, using the contact details on the following page. To take part in the study, you will be required to fill out a consent form; a copy of the consent form is attached. The form refers to this project alone and will be retained as consent to participation.

Purpose of the study

The purpose of this part of the research is to:

1) Improve understanding of the implementation of strategic environmental assessment (SEA), including the benefits and challenges of this process.

2) Discuss SEA's potential to contribute to environmental justice including through:

a) Reviewing how participation has been undertaken, and
b) Identifying how significant environmental effects have been assessed.

SEA is new and its role is evolving, therefore general insights into your experience of SEA are also being sought and will be of great value.

The research is sponsored by the Economic and Social Research Council and the Scotland and Northern Ireland Forum for Environmental Research.

What is Involved

I would like to arrange either a face-to-face or telephone interview with you. The interview should take no longer than one hour but its length will depend on how much you would like to say. An audio recording will be made of the interview, but your name and details can be kept confidential. If you are not comfortable with being recorded let me know.

Participation in the interview is voluntary. Everyone who decides to take part in the research will be given a copy of this information sheet and be asked to sign a consent form. You can withdraw your consent at any time without having to give a reason. I may publish some of my research findings. However, if I publish any comments from the interviews no-one will be referred to by name unless their consent has been given.

This project has been approved by the Departmental Ethics Committee, David Livingstone Centre for Sustainability, University of Strathclyde.

Researcher details

The principal researcher on the project is Anna McLauchlan from the David Livingstone Centre for Sustainability. For further details on the project please contact:

Anna McLauchlan
Doctoral Researcher
David Livingstone Centre for Sustainability
Department of Civil Engineering, University of Strathclyde
50 Richmond Street
Glasgow G1 1XN

Email: anna.mclauchlan@strath.ac.uk
Tel: 0141 548 4048

If you have any questions about the interview, please contact the principle researcher or the David Livingstone Centre for Sustainability Director of Postgraduate Studies.

Anna McLauchlan, Principal Researcher
anna.mclauchlan@strath.ac.uk
Tel: 0141 548 4048

Dr Elsa João, Thesis Supervisor and Director of Postgraduate Studies
elsa.joao@strath.ac.uk
Tel: 0141 548 4056

If you would like to raise any concerns about how any aspect of this research has been conducted, please contact *Peter Booth, Director of the David Livingstone Centre for Sustainability*.

Thank you for your time
Please keep this sheet for your information

INTERVIEW CONSENT FORM

Research project working title: Strategic environmental assessment in Scotland and its potental to contribute to environmental justice

Principal researchers:

- Anna McLauchlan
  Doctoral Researcher, anna.mclauchlan@strath.ac.uk

- Elsa João
  Thesis Supervisor and Director of Postgraduate Studies, elsa.joao@strath.ac.uk

You have been asked to participate in an interview concerned with the implementation of strategic environmental assessment (SEA). First I would like to remind you that I am bound by a code of research ethics, this means that:

- Participation is voluntary so you can stop at any time, choose not to answer a question or make comments off the record.

- I would like to record the interview to ensure details are recorded accurately and in your own words but if you are not comfortable with this, let me know. Only myself and one other person transcribing will hear the recording.

- Individual transcript data is confidential so only myself and one other person involved in transcription will see it. You can choose whether or not you wish to be identified. Identification can be either by your name or by the organisation you represent.

- Be assured the Data Protection Act 1998 will be complied with, and data will only be used for this project and associated papers. All data will be kept in a secure location.

The interest is in information about how SEA is being implemented, so there are no 'right' ways to respond. Please talk as freely as you like. The interview should take no longer than an hour but will depend on how much you would like to say.

Please tick one box (below) to indicate how the information you provide should be treated:

□ Please make my response anonymous

□ Identify me by <u>my name</u> / <u>the name of my organisation</u> (delete as appropriate).

I have read and understand the project information and been given an opportunity to ask questions. I agree to participate in this interview.

Name (printed) ……...

Signature …… Date …….

Appendix L

Categories to identify effects as either economic, social, health or distributive

Box 3.2 Categories to identify effects as either economic, social or health (adapted from Chadwick 2002; Parry and Scully 2003; ODPM 2004; ODPM 2005; Parry and Kemm 2005; Scottish Executive 2006e; DoH 2007)

Category	*Type of effect*
E	**Economic**
E1	Direct employment, including employment generation and safeguarding of existing employment
E2	Indirect employment (e.g. skills or training for employment)
E3	Other labour market, such as changes in wage levels or commuting patterns
E4	Expenditure and income, including the use of local suppliers, rates and rental payments and other types of expenditure
E5	Existing commercial activities or the direct promotion of future activities (including tourism, agriculture and fisheries)
E6	The development potential of the area, including changes in the image of the area or in investor confidence
E7	Property values
S	**Social**
S1	Population and demographic structure
S2	Accommodation and housing
S3	Facilities or services (including healthcare facilities, access to transportation)
S4	Character or image of an area
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S6	Security (e.g. incidence of social problems such as crime)
H	**Health**
H1	Access to recreation, parks or areas of particular amenity value
H2	Physical activity (e.g. through public transport, cycling and walking)
H3	Exposure or potential for exposure (e.g. to noise, air pollution, contaminated or derelict land, flood risk)*
H4	Safety (e.g. road traffic accidents).
H5	Illness (e.g. respiratory illness, infections)
H6	Mental wellbeing (e.g. 'psychosocial' effects such as perception of safety or enjoyment of an area)

* Risks of exposure can be created by "disturbance of contaminated land" (Box 3.3, H3) but unless the relevant document states there is a risk of exposure this has not been taken into account

Box 3.3 Categories to identify effects as distributive (adapted from Walker *et al* 2005; Walker 2007)

Category	**Social groups identified by:**	
D	Distributive (general category)	
D1	Deprivation or income	Social/ demographic groups
D2	Gender	
D3	Age	
D4	Ethnic	
D5	Disability	
D6	Vulnerable groups	Groups susceptible to health impacts
D7	Future generations	Spatial/temporal groups
D8	People in other countries	
D9	Climate change	