

Our Reference: P&P/GOV/NM01

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Dear Mr Smithson

DRAFT ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES
REGULATIONS 2004 – CONSULTATION RESPONSE

Thank you for consulting the Port of London Authority on the above regulations.

The Office of the Deputy Prime Minister have taken a narrow view of those affected by the Regulations referring to Local Authorities, central Government and some private companies i.e. the water industry (RIA pages 6-7, sections 9-10). There is reference to 'other' plans and programmes (RIA page 6 sections 8) which the RIA may apply to. However the consultation document admits that the exact scope of the proposed Directive is unclear, and clarification of this is a key issue in negotiations. There are a number of plans and programmes in which the PLA are involved in to which it could be argued the spirit of the Directive could apply. These include:

The review of safeguarded wharves in London.

The Thames Estuary Partnership's Thames Estuary Management Plan.

Defra/EA/EN's Coastal Habitat Management Plans (CHaMPS)

Thames Estuary Partnership's Thames Strategy East.

The PLA's Maintenance Dredging Framework.

The PLA's Richmond Lock Drawdown programme.

EA's encroachment policy.

SAC/SPA Management Plans.

Would it be possible for the ODPM to clarify if the Regulations apply to any of the above.

With respect to the specific consultation issues (comments are relating to ports only):

Question 1. Port/Harbour Authorities have environmental responsibilities under the Harbours Act and therefore should be included on the list of consultees for any projects in or adjacent to port/harbour areas.

Question 2. The Regulations should state which plans do need an SEA and state that all of the type of the plans listed above should not require a SEA. A clear statement is needed to avoid any ambiguity about the type of plans and programmes that are and are not covered.

Question 3. No particular view except that it would be sensible to have some guidance as to the acceptable requirements. Such requirements must be practical. In resource terms, having to send out paper copies of determinations would be costly and environmentally unfriendly. Perhaps the requirement should be that the determinations are made available in electronic form only or the public could visit the authority to view the hard copies.

Question 4. Consultation bodies should have a set time frame to respond and no response in that timescale is taken as agreement to the plan. Five weeks seems adequate. One of the biggest hold-up in many plans, projects etc is delays in receiving consultation responses. However, the consultation bodies may need additional resources to meet this additional workload.

Question 5. It would be appropriate for a minimum consultation period to be specified by the Regulations and for the upper limit to be set by the responsible authority according to individual circumstances.

Question 6. If a member of the public has no interest in the project and is not likely to be affected by it then their views should be given less weight by the authority.

Question 7. A general requirement seems appropriate with guidance as to an acceptable minimum approach.

I hope you find this information useful. If you have questions or wish to discuss any of the issues raised please do not hesitate to contact me on the above telephone number.

Yours faithfully

Neil McClellan
Planning Officer