

PlanNetEurope Seminar 2005

Brussels

The application of strategic environmental
assessment in the Member States of the
European Union:

Synthesis of the questionnaire's answers

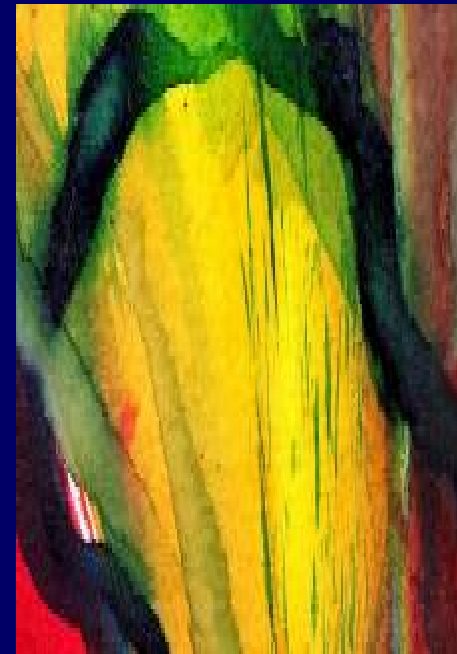
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Outline

1. Objectives of the questionnaire
2. Member States who have provided answers
3. Some comments on the questionnaire and on the answers
4. General synthesis of the answers
5. Questions to be discussed

Objectives of the questionnaire

- To have a global view of the kind of practices adopted to implement the Directive 2001/42/EC concerning notably:
 - the screening criteria
 - the steps followed to implement SEA (including the monitoring and the consultations)
 - the relationships between planners and authors of the assessments
 - the tiering between SEA and EIA processes
 - the financing of SEA
- To suggest questions which would deserve to be discussed during the seminar



Member States who have provided answers

14 Member States have completed the questionnaire:

- Austria
- Belgium (3 Regions)
- Cyprus
- Finland
- Germany
- Hungary
- Ireland
- The Netherlands
- Poland
- Portugal
- Slovak Republic
- Spain
- Sweden
- United Kingdom

Some comments on the questionnaire and on the answers

The questionnaire wanted to take into account only the environmental assessment systems that have been put in place to implement the Directive 2001/42/EC.

However, some of those systems were designed before the Directive entered into force, taking into account what it was known about the Directive at the time.

These systems are also interesting to consider.

Some comments on the questionnaire and on the answers

The questionnaire was made of open questions so...the level of detail of the answers varies considerably from one country to another.

Considering that fact, we will try to be as precise as possible but the synthesis will stay relatively general on certain aspects.

In addition, certain countries/jurisdictions (which provided detailed information) are overrepresented in the examples given compared to others (which provided more concise information).

Some comments on the questionnaire and on the answers

Since the persons who filled out the questionnaire are not the same than ones who made the synthesis of the questionnaire, it is possible that some information is not presented as it should be.

If this is the case, don't hesitate to give comments during the open discussion that will follow the presentation of the synthesis.

General synthesis of the answers

Structure of the synthesis

- For each question of the questionnaire we will present:
 - **main tendencies**
 - **cases where specific ways of implementing SEA were observed**
- The questions raised throughout the synthesis...
 - ...will be mentioned again at the end of the presentation.**
 - They will serve as a basis for discussion.**

General synthesis of the answers

Q1: At which competence level does your Ministry or Organisation intervene in the implementation of the Directive 2001/42/EC?

- The transposition of the Directive is generally the competency of the Federal/National administrations even if implementation can concern other levels (e.g. Provinces, Regions).
- Some exceptions, notably:
 - **Belgium: the three Regions + the federal level have to transpose the Directive;**
 - **Austria: transposition has to be made by the federal and the 9 provinces.**

General synthesis of the answers

Q2: At what level does your Ministry or Organisation intervene in urban planning?

- Urban planning is often the competency of the regional/provincial and local authorities (municipalities).
 - In some cases (e.g. Finland, Germany, Sweden):
 - national authorities are in charge of adopting the legal framework or drafting the National Land use guidelines;
 - regional and local authorities are implied in the concrete planning process.
 - In some other cases (e.g. Belgium):
 - regional authorities are competent to adopt their own legal framework and to elaborate P/P.

General synthesis of the answers

Q3a: Have the requirements of Directive 2001/42/EC already concretely been applied to certain P/P ?

- **Yes, for most of the countries/jurisdictions.**
- **No, for some Member States who have not transposed the Directive yet or for which the transposition of the Directive is very recent (e.g. Cyprus).**
- **Some countries anticipated the transposition of the Directive a few years before its entry into force and gained considerable experience in the field (e.g. Finland, The Netherlands, Slovak Republic).**

General synthesis of the answers

Q3a (continued)

Sectors for which the requirements of the Directive have been, are being or should be applied:

- **National development planning (e.g. Poland)**
- **Regional and local land-use planning (e.g. Belgian Regions, Germany, Ireland, Spain, UK)**
- **Urban land-use planning (e.g. Belgian Regions, Germany, The Netherlands, Spain, Sweden)**
- **Transport and infrastructures planning (e.g. Flanders -Belgium, Hungary, The Netherlands, Portugal, Spain, UK)**
- **Water, risings management, river basin management planning (e.g. Flanders, Portugal, Spain, UK)**

General synthesis of the answers

Q3a (continued)

- **Oil and gas extraction licensing programmes (e.g. UK)**
 - **Determination of specially suitable areas for offshore wind farms (e.g. Germany)**
 - **Regional economic strategies (e.g. UK)**
 - **National tourism strategies (e.g. Poland)**
 - **Waste management (The Netherlands, UK)**
- The application goes beyond the plans and programs and covers policies.**

General synthesis of the answers

Q3b: P/P for which a SEA should be realised in the future (reformulation of the question 3b)?

Of course, the types of P/P identified by the Directive (article3) and more precisely:

- **Strategic development P/P**
(e.g. PRD, SDER)

Brussels-Capital Region,
Walloon Region (Belgium)

- **National land-use guidelines**
- **Nature conservation programmes**
- **Regional development programmes**
- **Regional transport plan in the Helsinki Metropolitan area**

Finland

General synthesis of the answers

Q3b (continued)

- **Transport plans at federal level**
- **“Extension plans for airports”**
- **Flood protection plans**
- **Programmes of measures according to the Water Framework Directive**
- **Federal Spatial plans for the German exclusive economic zones of the North Sea and the Baltic Sea,**
- **Landscape plans**

Germany

General synthesis of the answers

Q3b (continued)

- **Regional Planning Guidelines**
- **City and County Development Plans**
- **Development Plans by Town Councils, where the population of the area is 10000 persons or more**
- **Local Area Plans for areas with a population of 10000 persons or more**
- **Planning Schemes in respect of Strategic Development Zones**

Ireland

General synthesis of the answers

Q4a: Criteria used to decide whether an urbanism P/P has to be submitted to a SEA (art. 3 of the Directive)?

Various systems can be used to decide whether a P/P has to be submitted to a SEA (screening step):

- **Open lists**
- **Closed lists**
- **Criteria**
- **Thresholds**

General synthesis of the answers

Q4a (continued)

For the application of the Directive 2001/42/EC, “criteria for determining the likely significance of effects”(annex II of the Directive) are generally used for screening.

However, other criteria have been developed:

- The degree to which a P/P promotes sustainable development (Ireland).
Q: How can we measure it?
- Criteria related not only to environmental effects but also to health effects (e.g. the probability, the duration, the frequency and the reversibility of the effects on human health – Slovak Republic).

General synthesis of the answers

Q4a (continued)

Other screening systems have also been created:

**In Austria (according to the Salzburg Spatial Planning Act):
a fourfold assessment system has been developed for 12 issues
like air quality, soil, noise and so on:**

- **No environmental impact at all: 0 point**
- **Slight/small environmental impact expected: 1 point**
- **Moderate environmental impact expected: 8 points**
- **Significant environmental impact expected: 32 points**

**For assessments (sum over all 12 issues) with more than 32 points
a SEA has to be undertaken.**

General synthesis of the answers

Q4a (continued)

- ❑ **Note that in Finland, all land use P/P, including those with minor modifications and those which determine the use of small areas at local level have to be submitted to SEA.**

Q: What is meant by “minor modifications” and “small areas”?

General synthesis of the answers

Q4b: Are some P/P exempt of a SEA because they do not have significant effects? If yes, how is argued the absence of significant effects?

- For most of the States Members and jurisdictions, exemptions are granted on the basis of the criteria of the Directive (annex II).
- The exemption of a SEA can also be given if the P/P is a review or a continuation of a P/P for which a SEA has already been realised (e.g. Brussels-Capital Region, Flemish Region).
- In some countries, no exemption seems to be given (e.g. Finland, Sweden).

General synthesis of the answers

Q5: Interpretation of the article 3 (par. 2) of the Directive 2001/42/EC concerning the Habitats Directive?

This article is the following:

“...an environmental assessment shall be carried out for all plans and programmes which, in view of the likely effect on sites, have been determined to require an assessment pursuant to the article 6 or 7 of Directive 92/43/EEC”.

General synthesis of the answers

Q5 (continued)

- The following interpretations are generally given:
 - All P/P which are likely to have significant effects on Natura 2000 areas have to be submitted to a SEA

Or

- All P/P requiring an assessment under the Habitat Directive should require a SEA under the Directive 2001/42/EC

General synthesis of the answers

Q5 (continued)

- **In Ireland, statutory guidelines on SEA mention that:**
“much of the advice contained in EIA sub-threshold development guidelines regarding areas of conservation sensitivity is also of relevance to consideration of the need for SEA”.

Authorities are recommended to consult the EIA related guidelines during screening for SEA.

General synthesis of the answers

Q6: General steps considered in the legislation and followed in the practice to implement SEA?

For most of the countries and jurisdictions, steps identified to implement SEA are the same as the ones of the Directive:

- Screening
- Scoping -generally in consultation
- Elaboration of the SEA and of the associated report
- Consultations on the draft P/P and on the SEA report
- Revision of the project of P/P and of the SEA report
- Decision on the adoption of the P/P
- Information on the decision (taking into account notably the environmental statement mentioned at the art. 9 of the Directive)
- Monitoring

General synthesis of the answers

Q6 (continued)

- **Practical guidelines on the implementation of the Directive are produced by some countries (e.g. Ireland, UK).**
- **Specificities in SEA processes deserve to be presented.**
For example:

In England and Wales:

- **Directive's requirements are built into a wider form of sustainability appraisal.**
- **Procedures correspond to those of the Directive but appraisal covers significant non-environmental effects (reduction of poverty, social exclusion) and tests the proposed P/P against sustainability objectives.**

General synthesis of the answers

Q6 (continued)

In the Brussels-Capital Region:

- **Scoping:** preparation of a “projet de cahier des charges” subjected to the opinion of the Regional Development Commission (advisory commission composed by representatives of the civil society).
- For PPAS (local implementation plans), this project has also to be approved by an accompanying committee composed of experts in environmental assessment which follows **all the assessment process.**

General synthesis of the answers

Q6 (continued)

In the Belgian Flemish Region:

- **An accompanying committee (EIA-SEA-Unit, Environment Administration) intervenes twice in the SEA process :**
 - **Scoping step:** quality control + public consultation + decision on the guidelines that have to be applied by the proponent/consultants when preparing a SEA.
Q: How is realised the quality control (e.g. which criteria)?
 - **After SEA is finished:** approval / disapproval of the SEA report after examination of the application of the guidelines.

General synthesis of the answers

Q6 (continued)

In the Walloon Region (Belgium):

- **As in the Brussels-Capital Region, advisory commissions (composed by representatives of the civil society) intervene in the SEA process at various steps:**
 - **screening**
 - **scoping**
 - **after SEA is finished**

General synthesis of the answers

Q7a-b: Do you plan to have a systematic monitoring of SEA carried out? Do you have a clear idea of how implementing this monitoring?

- ❑ **Note that article 10 requires monitoring of the significant environmental effects of implementing the P/P, rather than the SEA as such.**
- **All the Member States and jurisdictions intend to adopt monitoring measures (legal obligation –art. 10 of the Directive).**
- **The way of implementing these measures does not seem to be clear for the most of the countries/jurisdictions.**
- **Research projects and guidelines on how to implement a monitoring procedure have been initiated in some countries (e.g. Finland, Germany, UK) or could be initiated in the future (Ireland).**

General synthesis of the answers

Q7c: General stages of the monitoring procedure that you plan to set up?

- **In UK, according the UK guidelines for implementing the Directive, 6 steps are identified for developing a monitoring framework :**
 - **What needs to be monitored?**
 - **What sort of information is required?**
 - **What are the existing sources of monitoring information?**
 - **Are there any gaps in existing information, and how can they be filled?**
 - **What should be done if adverse effects are found?**
 - **Who is responsible for monitoring activities?, When should they be carried out?, In what format should results be presented?**

General synthesis of the answers

Q8a: Types of actors targeted by the consultations (article 6 of the Directive)?

- **Of course, the authorities in charge of planning and of environmental matters (at different levels, depending on the application level of SEA in the country).**
- **Other authorities depending on the nature of the effects. For example in Ireland:**
 - **Minister for Communications, Marine and Natural Resources if P/P is likely to have significant effects on fisheries or the marine environment.**

General synthesis of the answers

Q8a (continued)

- **The public, in various forms:**
 - **Regional consultative commissions composed of the representatives of the civil society (Belgian Regions)**
 - **Interested lobbies such as Chamber of Commerce, Chamber of Labour, Churches, neighbouring municipalities (Austria)**
 - **Associations, groups of private individuals (e.g. Finland)**
 - **NGOs (e.g. Cyprus, Germany, Poland, Spain, Sweden)**
 - **Citizens in general (e.g. Belgian Regions, Cyprus, Germany)**

General synthesis of the answers

Q8a (continued)

- **Inter-sectoral committees formed by representatives of various organisations (e.g. Cyprus):**
 - **Ministry of Agric., Natural Resources and Environment (chair)**
 - **Ministry of Commerce, Industry and Tourism**
 - **Planning Bureau**
 - **Ministry of Communications and Works**
 - **Ministry of Interior**
 - **Scientific and Technical Chamber of Cyprus**
 - **Federation of Environmental Organisations**
 - **University of Cyprus**
 - **Technological University of Cyprus**

General synthesis of the answers

Q8b: At what stage(s) of the SEA process are these actors consulted?

- In general, after the realisation of the SEA report (competent authorities + public + evaluation committees...).
 - The consultation can be done on the SEA report and the P/P separately or on the P/P integrating the results of the SEA report.
- In some cases, during the scoping step (competent authorities + sometimes, the public).
- Rarely, during the screening step.

General synthesis of the answers

Q8c: Are there cases where the consulted authorities are the same ones as the authors of the P/P subjected to SEA?

- **No, for about the half of the countries and jurisdictions who have answered to the questionnaire.**
- **Yes for the others...**
For example, in the Brussels-Capital Region, for two regional planning plans (PRD and PRAS):
 - **each regional Administration can contribute to the contents of the environmental assessment report;**
 - **some of these Administrations (IBGE, AATL) can also be consulted to give their opinion on the environmental assessment report once this latest has been completed.**

General synthesis of the answers

Q9a: Are the types of actors consulted during transboundary consultations the same than the ones mentioned in question 8?

- **According to the answers given, the types of actors consulted during the transboundary consultations are those prescribed by the Directive:**
 - **the competent authorities**
 - **the public**
- **No more information available**

General synthesis of the answers

Q9b: At what stage of the preparation of a P/P are these transboundary consultations organised?

- In most cases, after the realisation of the SEA report and before the definitive approval of the P/P (draft plan and programme).
- In some cases (Cyprus, Poland), at the beginning of the preparation of the P/P.
- In other cases, at the beginning of the preparation of the P/P and before the definitive approval of the P/P (e.g. Finland, Germany).
- A step-by-step procedure for cross-border consultation for SEA has been developed by the environmental administration of the Belgian Flemish Community (Celmer).

Q: Some explanations about that procedure?

General synthesis of the answers

Q10: Is the author of the assessment also the author of the P/P?

- In most of the countries and jurisdictions:
 - competent authorities responsible for the elaboration of the P/P are also responsible for the elaboration of the SEA but
 -they can commission outside experts (consultants, advisory groups) to prepare the SEA (e.g. Finland, Germany, Ireland, Spain, Sweden, UK).
- In certain cases (e.g. Walloon Region -Belgium) independent certified consultants in charge of realising the SEA for certain land-use plans.
Q: What does independent mean?

Q: What are the advantages and the disadvantages of the realisation of SEA by the authors in charge of the elaboration of P/P vs by consultants?

General synthesis of the answers

Q11a: Who finances environmental assessments of P/P?

- For all the Member States and jurisdictions:

The competent authority responsible for preparing the plan or programme.



General synthesis of the answers

Q11b: Do you receive subsidies to carry out these assessments?

- No for most of the Member States and jurisdictions.
- Yes for some. For example:
 - The **Brussels-Capital Region** gives subsidies to the communes for the elaboration of certain of their plans (PCD, PPAS) and for the production of the SEA report related to these plans.
 - The **Walloon Government (Belgium)** can give subsidies for the elaboration of the SEA report related to projects of town planning communal plans (PCD).
 - The **Finnish Ministry of Environment** gives small amounts every year to subsidy municipalities in drawing up land use plans. These subsidies are mostly meant to carry out assessments.

General synthesis of the answers

Q12a: Are the environmental assessments of projects (EIAs) really complementary to SEAs?

- **It seems to be the case (at least to a certain extent) for all the Member States....**
- **Question generally answered as follow:
SEA has to be complementary to EIAs. In that context, each of these assessments has to focus:**
 - **on their appropriate level of details**
 - **on the appropriate effects...****...so as to avoid duplication of the assessments.**

General synthesis of the answers

Q12b: What is the relationship between these two levels of assessment?

Examples:

- **In Finland as in other countries/jurisdictions:**
P/P subject to SEA may include projects which go under EIA regulations. In the subsequent EIAs:
 - information gathered during SEA is taken into consideration
 - same studies are not required twice
- **In the Netherlands,** there is a 'cascade' of environmental assessments; one makes use of another and focus on the issues at hand. Q: More explanations?

General synthesis of the answers

Q12b (continued)

In Germany:

As there is potential for overlap between SEA and EIA, a procedure has been established that fulfills the requirements of the EIA Directive and as well of the SEA Directive.

Q:More explanations on this procedure?

General synthesis of the answers

Q12b (continued)

- ❑ However, EIAs and SEA are not always complementary in practice.
For example:

In Sweden:

Certain Detailed Development Plans will require both an EIA according to the EIA Directive and a SEA according to the 2001/42/EC Directive. The two assessments are similar but not complementary...

Q: More explanations?

General synthesis of the answers

Q13: Are there problems encountered during the transposition of the Directive which would deserve to be mentioned?

The problems seem to have been encountered not during the transposition but in practical implementation. For example:

- **Problems of independence and impartiality (author of the P/P = author of the assessment).**
- **The relationship between EIA and SEA (and other assessments) in accordance with the EU-legislation (duplication problems).**
- **Interpretation of terms like “plans and programmes”.**
- **Lack of planning professionals with training/experience in SEA.**

Questions to be discussed

Specific questions: Screening criteria

- How can you measure the degree to which a plan or programme promotes sustainable development (one of the screening criteria notably used by Ireland to determine if a P/P has to be submitted to a SEA)?
- How do you interpret into practice the article 3, par. 3 of the Directive: “plans and programmes which determine the use of small areas at local level and minor modifications”?

Questions to be discussed

Specific questions: Relationships between the authors of P/P, the actors responsible for the assessment and the authorities consulted during the SEA process

- **What are the advantages and disadvantages of the following systems: realisation of SEA by the authors in charge of the elaboration of P/P vs by consultants?**
- **What does independence mean (when realising SEA)?**
- **It is possible to give more explanation on the step-by-step procedure for cross-border consultation on SEA that has been developed by the environmental administration of Flanders (Belgium)?**

Questions to be discussed

Specific questions: Relationships between SEA and EIAs

- Is it possible to give more explanations on the “tiering” procedure that has been established in **Germany** which fulfills the requirements of the EIA Directive and as well of the SEA Directive?
- Is it possible to give more explanations on the ‘cascade’ of environmental assessments in the **Netherlands**?
- Is it possible to present some information about the potential overlap concerning EIA and SEA on certain Detailed Development Plans in **Sweden**?

Questions to be discussed

General questions

- In general, is the SEA really efficient in terms of integration of environmental considerations in the P/P, public participation, etc.?
- Which are the processes/methods/measures which could improve the quality of SEA (e.g. committees for the evaluation of the quality).... e.g. Explanations concerning the quality control (scoping step) in Flanders (Belgium)?
- How do you deal with the lack of professionals with training/experience in SEA in your administration?