

# **National approach to land-use-planning, siting and safety, integrated in SEA and EIA legislative and policy framework**

Workshop on land-use planning, the siting of  
hazardous activities and related safety aspects,  
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# Legal framework

Republic of Serbia is the Party to

- Convention on the Transboundary Effects of Industrial Accidents
- Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and
- Protocol on Strategic Environmental Assessment (SEA)
- Amendments to ESPOO Convention, Decision II/14 and Decision III/7, ratified 2016

# Legal framework

## EU legislation – partially transposed

- Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU
- Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment
- Seveso III Directive (2012/18/EU of 4 July 2012) on the control of major-accident hazards involving dangerous substance

# Legal framework

- Main legal acts:
  - Law on Environmental Protection
  - Law on Environmental Impact Assessment
  - Law on Strategic Environmental Impact Assessment
  - Law on Planning and Construction
  - Law on Emergencies
  - Law on Fire Protection

# Competent authorities

CA responsible for decision making:

**- regarding land use plans**

Ministry of Construction, Transport and Infrastructure

**- regarding siting of new establishments and modifications**

Ministry of Construction, Transport and Infrastructure

Ministry of Agriculture and Environmental Protection

Ministry of Interior

# Competent authorities

CA responsible for implementing obligations related to **prevention and emergency preparedness** regarding industrial accidents and potential transboundary effects

- Ministry of Agriculture and Environmental Protection
- Ministry of Interior – Sector for Emergencies

# Competent authorities

CAs that are consulted in the environmental assessment (SEA and /or EIA) procedure regarding land-use plans and regarding siting:

- Ministry of Agriculture and Environmental Protection
- Institute for nature conservation of Serbia
- Ministry of Construction, Transport and Infrastructure
- Ministry of Mining and Energy
- Ministry of Health

# **Integration of industrial accidents safety considerations into the land use planning via SEA**

- Strategic environmental assessment (SEA) is incorporated in legislation

## **General obligations**

- The competent authority responsible for plan and programme preparation cannot continue further procedure of adoption of plans or programmes without having obtained the approval from the competent environmental protection authority for the strategic assessment report.



# Stages in the SEA procedure

## 1. Preparation stage:

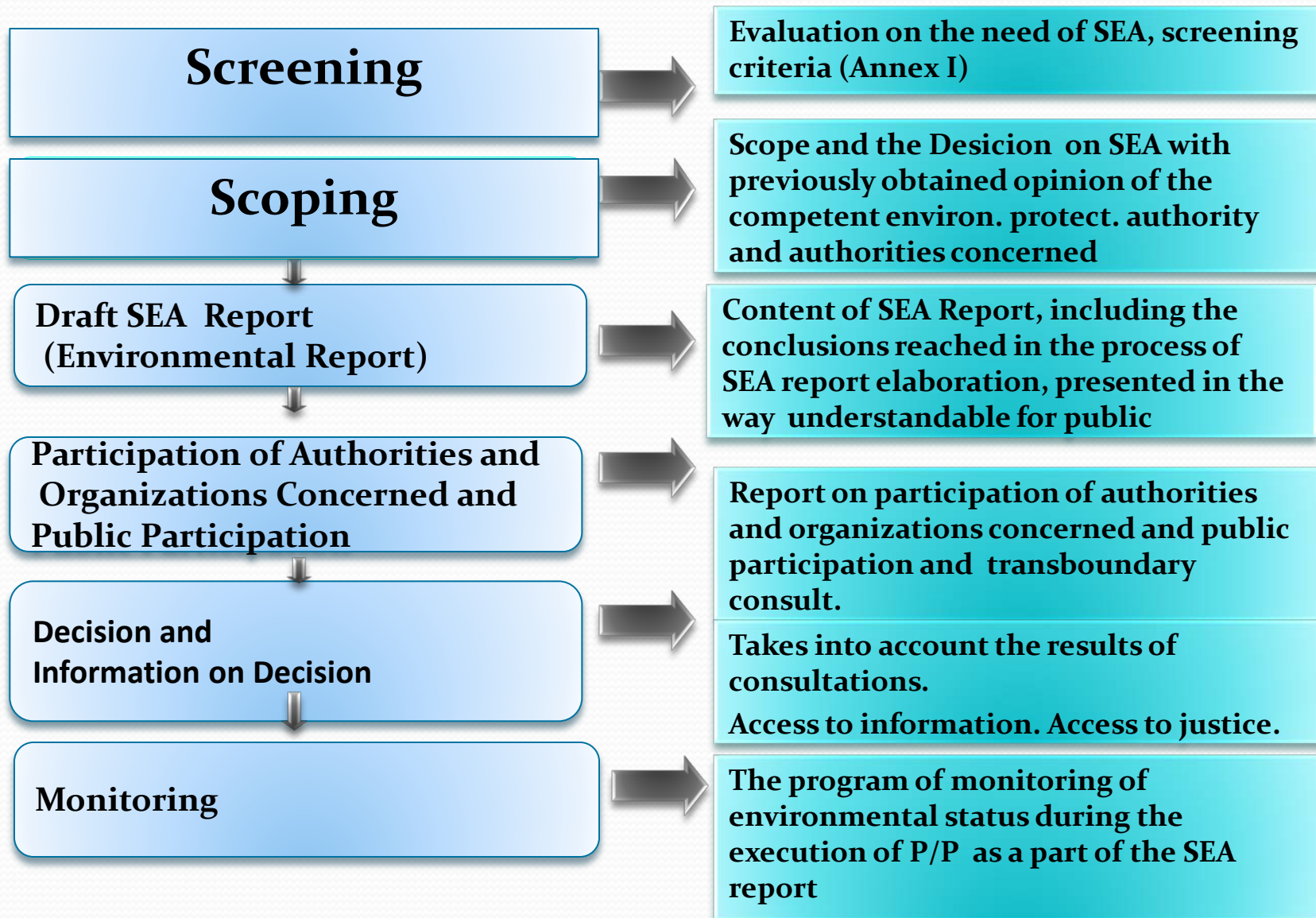
- The decision on strategic assessment elaboration;
- The selection of the strategic assessment developer;
- The participation of authorities and organizations concerned.

## 2. Strategic assessment report

## 3. Decision making procedure:

- The participation of authorities and organizations concerned;
- The participation of the public concerned;
- The report on result of participation of A/O concerned and public;
- The evaluation of strategic assessment report;
- The approval on the strategic assessment report.

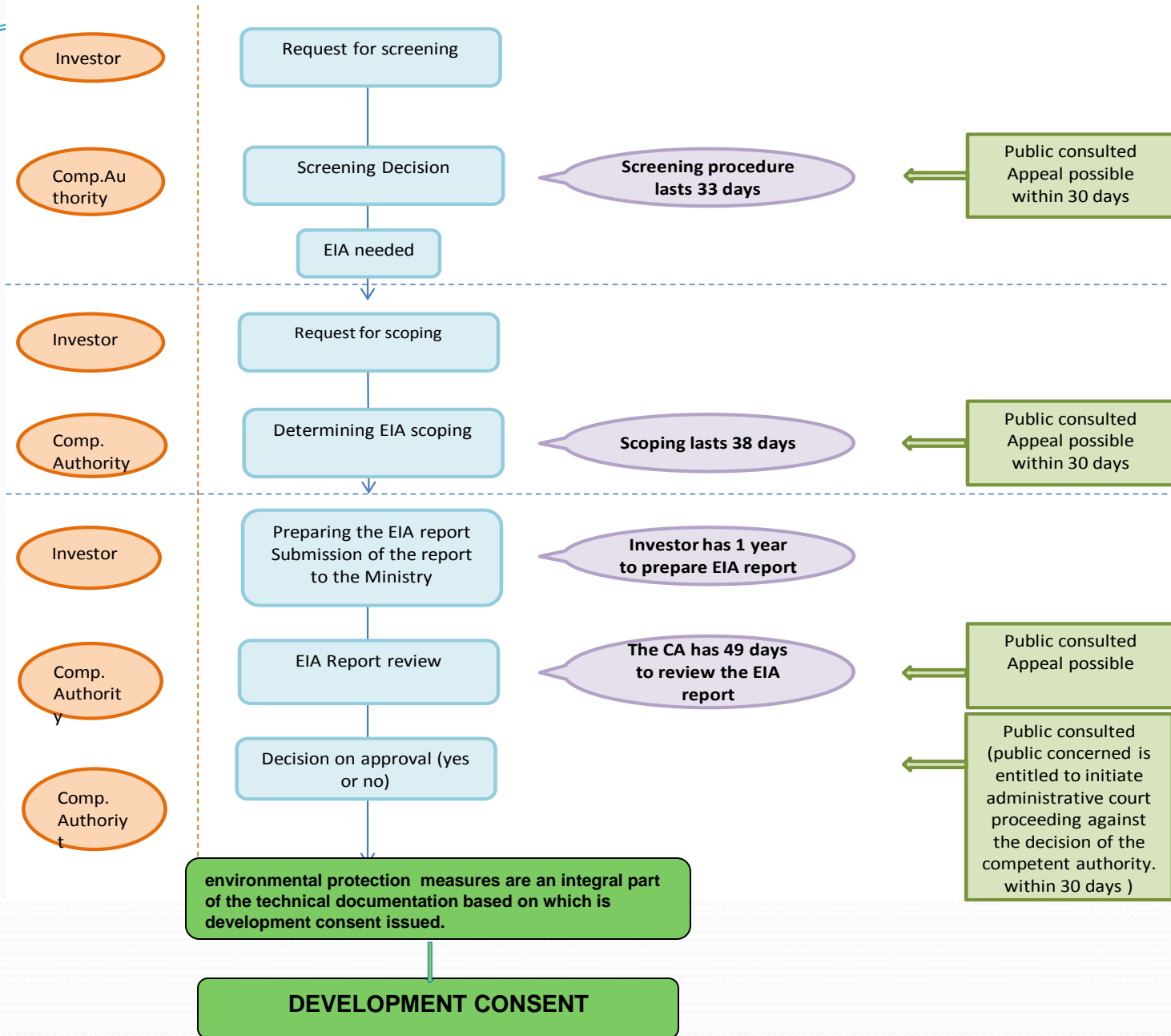
# SEA PROCEDURE



# **Integration of industrial accidents safety considerations into the land use planning via EIA**


- EIA procedure is separate procedure, but the outcomes of this procedure (environmental protection measures) are an integral part of the technical documentation based on which is development consent issued.
- Development consent is not publicly available and it is necessary to amend the Law on Planning and Construction.

# SCOPE OF IMPLEMENTATION OF EIA



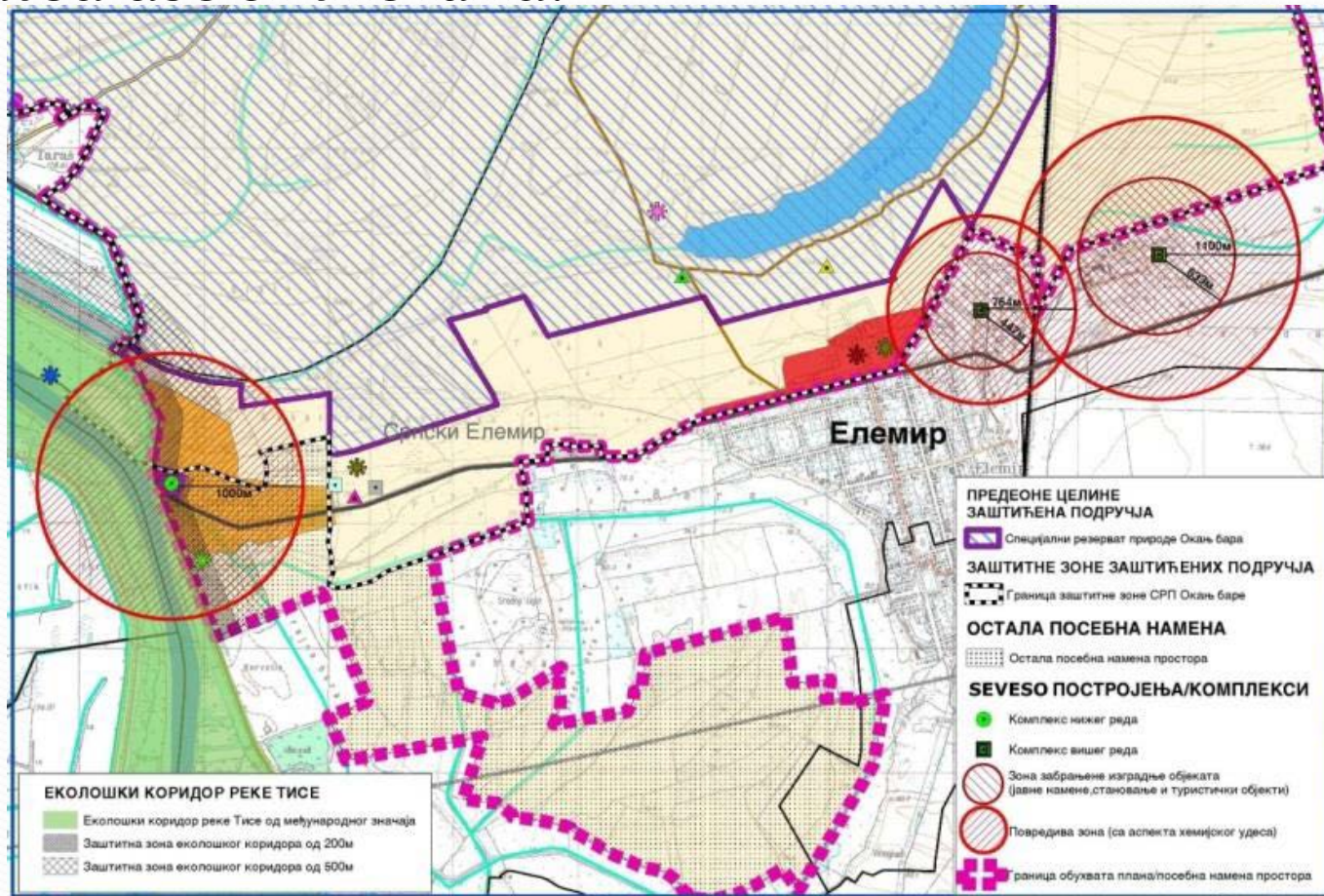
# **Integration of industrial accidents safety considerations into the land use planning via a separate assessment of industrial accidents safety**

- Law on Environmental Protection defines that planning authority must take into account data, measures and conditions of prevention of major chemical accidents when developing spatial plans.
- Law on Planning and Construction defines that all environmental measures must be taken into account when spatial plans are developed.
- There is especially no the requirements regarding land-use planning around hazardous activities and it doesn't contain a cross-reference to LEP.

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- LEP prescribes that spatial and urban plans shall ensure measures and conditions of environmental protection and in particular: defining areas to maintain appropriate distances between hazardous activities and residential areas, public areas and areas of particular sensitivity or interest for protection of human life and health and the environment.



- Consequence based assessment (case by case) is used to define distances from the hazardous activity and the related use of the land.



# Way forward

- The establishment of safety areas (zones) around hazardous activities envisaged.
- Consultation procedures are needed.
- Environmental impact assessment (projects) and strategic environmental assessments (plans and programmes) require similar procedures - providing for coordinated or joint procedures in order to fulfil the requirements regarding land use planning should be explored.
- Cooperation between land use and safety authorities to be improved.





**THANK YOU FOR YOUR ATTENTION!**