



# Scope of SEA application and screening

Martin Smutny  
Consultant to UNECE  
Minsk, 19 December 2017

# Scope of SEA application

There are a wide range of strategic documents – plans, programmes, strategies, concepts.

For only some of them SEA should be applied: i.e.

- Having likely significant environmental effects
- Meeting administrative criteria:
  - Prepared by public agencies and formally adopted
  - Required by legislative, regulatory or administrative provisions
  - Setting framework for future development consent of projects likely requiring EIA...**however, SEA Protocol recommends SEA also for policies and legislation!!!**

# Scope of SEA application – key principles

1. The name of the strategic document is not a decisive guideline to decide on SEA application.
2. All strategic documents, irrespective their name/title (e.g. strategy, concept, etc.) meeting legal criteria, fall in the scope of SEA application.
3. For certain strategic documents, an examination is needed to ascertain the need for SEA = **SCREENING**

# Scope of SEA application and screening

Three groups of strategic documents:

1. Documents always requiring SEA
2. Documents for which SEA can be applied, but further examination is needed = **SCREENING**
3. Documents exempted from SEA

# Scope of SEA application – examples

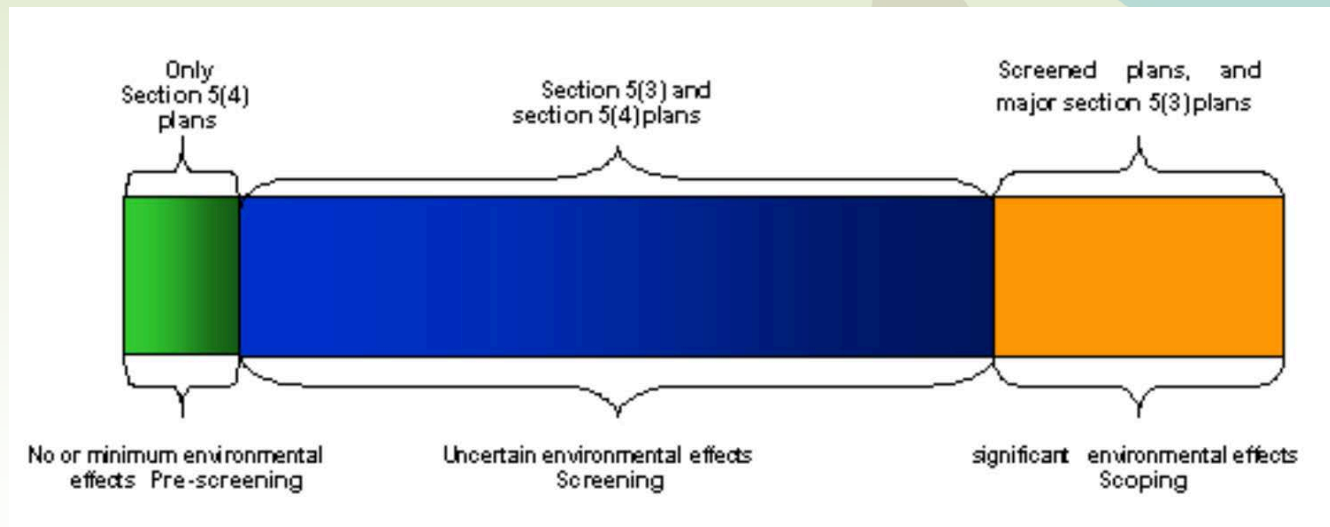
- Croatia:
  - **Mandatory SEA** for **strategies, plans or programmes**, adopted at the state, regional and local level in the following sectors: agriculture, forestry, fishery, energy, industry, mining, transport, electronic communications, tourism, spatial planning, regional development, waste management and water management, when **setting the framework for projects subject to environmental impact assessment**;
  - **Screening**: minor modifications and SPPs for small areas at local level (e.g. urban development plans)

# Scope of SEA application – examples

- Czech Republic:
  - **Mandatory SEA** for ‘**concepts** ‘ in sectors stipulated by the SEA Directive (+ for environment and biodiversity protection) that set framework for permitting of activities that require EIA
  - **Screening for:**
    - concepts that affect territory of only one municipality or
    - modifications of already approved concepts
  - SEA not required for defence, emergency plans and budgetary documents

# Scope of SEA application – examples

- Scotland:



- SEA not required for plans or programmes relating to an individual school or specified by order of Scottish Ministers.

# Scope of SEA application – examples

- Scotland - screening consultation:

With reference to the Screening document you submitted on 09<sup>th</sup> January 2017.

The Consultation Authorities have now considered your screening request as per **Section 9(3)** of the **Environmental Assessment (Scotland) Act 2005**. For convenience I have set out, in the table below, their individual views on whether there is a likelihood of significant environmental effects.

Please note, these are the views and opinions of the Consultation Authorities on the likelihood of significant environmental effects arising from the plan or programme and not a judgement on whether an SEA is required. It is therefore for the Responsible Authority to determine whether an SEA is required in the circumstances. I have attached the individual letters from the Consultation Authorities, outlining their views and opinions. Where possible the Consultation Authorities may have offered supplementary information and/or advice for you to consider, which you should find helpful.

CONSULTATION AUTHORITY	LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS
Historic Environment Scotland	No
Scottish Environment Protection Agency	No
Scottish Natural Heritage	No
<b>OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS</b>	<b>No</b>



Thank you for your attention!