

EaPGREEN

Partnership for Environment and Growth



This project is
funded by the EU

Scope of SEA application and screening

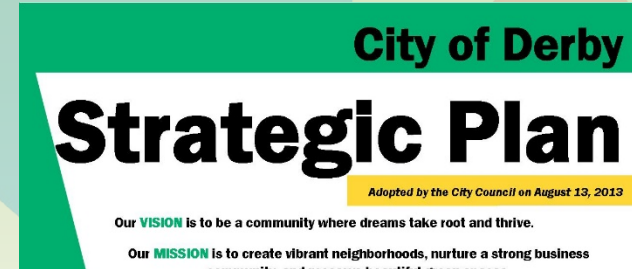
Matthew Cashmore and Martin Smutny

Consultants to UNECE

Baku, 4 – 5 April 2018

Scope of SEA application

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



Sector Planning Document PPF5	
SPD Template	Purpose
Section 1: Sector Description	To systematically address the EC criteria for Sector Approach and show that the <u>sector in question is sufficiently mature to adopt a Sector Approach</u> . Also the steps being undertaken to increase sector maturity.
Section 2: Sector Programme Rationale	To provide justification for the proposed programme to explain the <u>focus of IPA assistance within the whole scope of the sector</u> . An overall picture of the problems to be solved with the support of IPA funded sector support.
Section 3: Sector Programme Description	To describe in detail the proposed programme covering: overall <u>specific objectives; impact indicators; results</u> ; measures & operations; institutional arrangements for implementation.
Section 4: Budget	To provide an indicative <u>3-year sector budget</u> based on all sources
Section 5: Annexes => Log Frame => Institutional Arrangements => Implementation Schedule	To provide inputs for the associated <u>Action Documents</u>

n, volunteerism, & partnerships: *is built on rich traditions, volunteers to making Derby a great place to live, be understanding that by working ether as partners, more can be accomplished.*

thy living: *Derby is committed to g a clean environment, recreational vilities, and opportunities for community engagement.*

tion & recreation for all ages: *ports our schools, library, community d opportunities for continued learning; les superb recreational and senior nd assists the recreation commissio n; it provides quality programs.*

and stability: *Derby delivers police, rescue services to every part of the ty. Good planning ensures stability in nd community standards, as well as quality response to disasters.*

ardship of community assets: *aining streets, parks, stormwater and all public infrastructure is critical to keeping Derby an enjoyable place to live.*

Opportunities to thrive: *The City strives to assist residents and businesses in reaching their full potential.*

Sustainable growth: *Our long-term viability depends on the vitality of our business community and residential neighborhoods, and our quality air and reliable water supply.*

Civic engagement & leadership: *Derby has strong leaders willing to serve on civic boards and the City Council. As an important component of the Wichita metro area, Derbyites recognize the importance of involvement in the regional community and in the state of Kansas.*

Progressive thinking: *Derby's elected and appointed officials join the staff in continually seeking creative ways to enhance the community.*

Quality services equally available to all: *Derby provides facilities and services accessible to all residents.*

Professional management: *City staff approach their work in a transparent and professional manner, seek win-win solutions, and plan for the future.*



Scope of SEA application

For only some strategic documents 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

- SEA should be applied for plans, programmes, and other strategic documents
- Newly prepared documents as well as any modifications to them that are:
 - (a) Required by legislative, regulatory or administrative provisions; and
 - (b) Subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government

Scope of SEA application

- SEA is required for plans and programme which
 - are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use
 - Which set the framework for future development consent for projects which require EIA

However, SEA can be also applied to policies and strategies

Scope of SEA application

- Protocol on SEA stipulates that following plans and programmes are not subject to the Protocol (i.e. these are exempted from SEA)
 - Plans and programmes whose sole purpose is to serve national defence or civil emergencies;
 - Financial or budget plans and

Scope of SEA application

- Determination if SEA is needed for
 - Strategic documents in other sectors
 - Strategic documents which determine the use of small areas at local level
 - Minor modifications of existing strategic documents



Screening

Screening

- The purpose is to decide whether SEA needs to be applied for a given strategic planning document
- Environmental and health authorities have to be consulted
- Screening is important for efficiency of the SEA system in the country
 - To conduct SEA for P&P which may have significant impacts
 - To avoid SEA for P&P with ‘no harm’ to environment and health

Criteria to be considered in screening

1. The relevance of the plan or programme to the integration of environmental, including health, considerations in particular with a view to promoting sustainable development.
2. The degree to which the plan or programme sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources.
3. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
4. Environmental, including health, problems relevant to the plan or programme.

Criteria to be considered in screening

5. The nature of the environmental, including health, effects such as probability, duration, frequency, reversibility, magnitude and extent (such as geographical area or size of population likely to be affected).
6. The risks to the environment, including health.
7. The transboundary nature of effects.
8. The degree to which the plan or programme will affect valuable or vulnerable areas including landscapes with a recognized national or international protection status.

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

Group assignment

Decide if SEA needs to be applied for three case examples and justify your opinion.

1. Amendments of municipal spatial plan
2. National energy policy
3. Amendments of provincial spatial plan

Questions for discussion

- What documents in sector you are familiar with should be a subject of SEA?
- Are there clear criteria to decide about SEA application?
- Who should decide if SEA needs to be applied or not?
- What background information are needed for this decision?

Scope of SEA application – examples

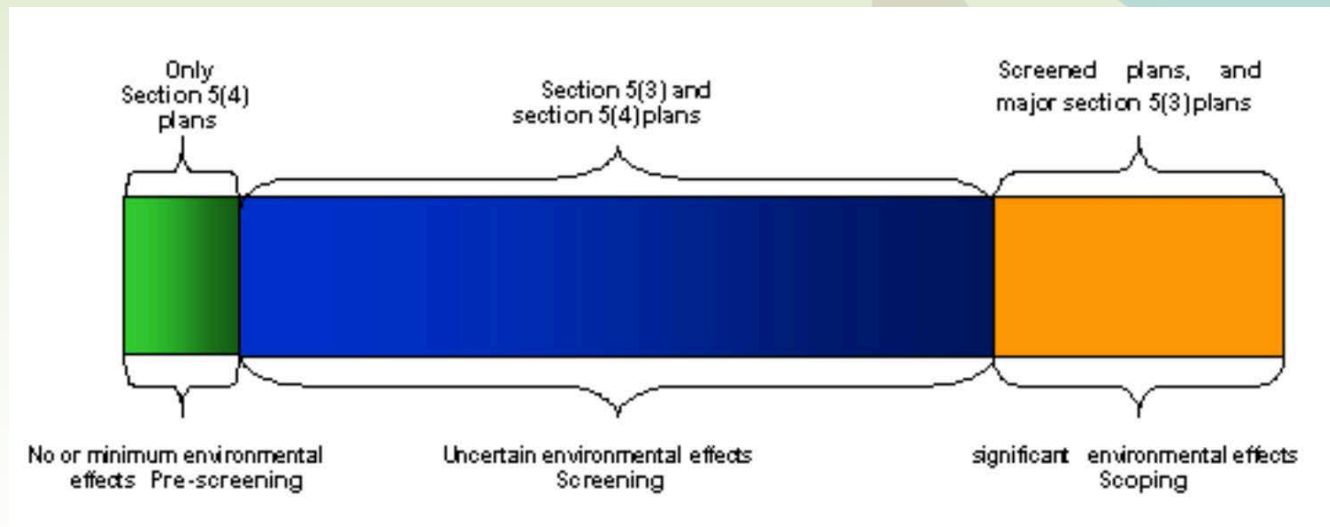
- Croatia:
 - **Mandatory SEA** for **strategies, plans or programmes**, adopted at the state, regional and local level in the following sectors: agriculture, forestry, fishery, energy, industry, mining, transport, electronic communications, tourism, spatial planning, regional development, waste management 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 09th 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
OVERALL VIEW ON LIKELIHOOD OF SIGNIFICANT ENVIRONMENTAL EFFECTS	No

Thank you for your attention!