

EaP GREEN

Partnership for Environment and Growth



This project is
funded by the EU

SEA and decision-making

Matthew Cashmore and Martin Smutny

Consultants to UNECE

Baku, 4 – 5 April 2018

Step back: What is the purpose of SEA?

- Good SEA results in:
 - A good reliable report with
 - Scientifically sound predictions of likely effects
 - Mitigation measures proposed
 - Proper participatory process
 - **Improvement of the plan/program under assessment**
 - **Final decision considering SEA conclusions**

Considering SEA in decision-making

- SEA shall provide information on environmental effects to decision-makers, its **results have to be considered in relevant decision-making**
- SEA report (or SEA final statement) is submitted together with strategic document for decision
- Decision-makers **have to justify their decision**, which – together with justification – **has to be made public**

SEA inputs should be optimally considered already in strategic document, which is submitted for decision

By the SEA Protocol, SEA is not supposed to be a decision itself!

Considering SEA in decision-making

- SEA shall provide information on environmental effects to decision-makers, its **results have to be considered in relevant decision-making**
- SEA report (or SEA final statement) is submitted together with strategic document for decision
- Decision-makers **have to justify their decision**, which – together with justification – **has to be made public**

SEA inputs should be optimally considered already in strategic document, which is submitted for decision

By the SEA Protocol, SEA is not supposed to be a decision itself!

SEA outcomes to be considered in decision-making

- The conclusions of the SEA report;
- The measures to prevent, reduce or mitigate the adverse effects identified in the SEA report; and
- The comments received through consultations with environmental and health authorities and public participation including transboundary consultations (if relevant)

Statement on considering SEA in decision-making

- After the strategic document is adopted, public, environmental and health authorities, and countries participating in transboundary consultations:
 - Are informed
 - The document as adopted together with statement how SEA has been considered, is made available to them.
- Statement summarizing
 - How the environmental, including health, considerations have been integrated into the document,
 - How comments received through consultations (including transboundary) and public participation have been taken into account
 - The reasons for adopting it in the light of the reasonable alternatives considered.

Croatia and the Czech Republic

- SEA Competent Authority issues ‘SEA statement’ based on
 - SEA Report
 - Consultations
- SEA statement has to be considered when adopting plan or programme (SEA statement is a compulsory document to be submitted together with the plan/programme for its adoption)
- SEA statement **IS NOT** ‘decision’ in the sense of Art. 11 of the SEA Protocol

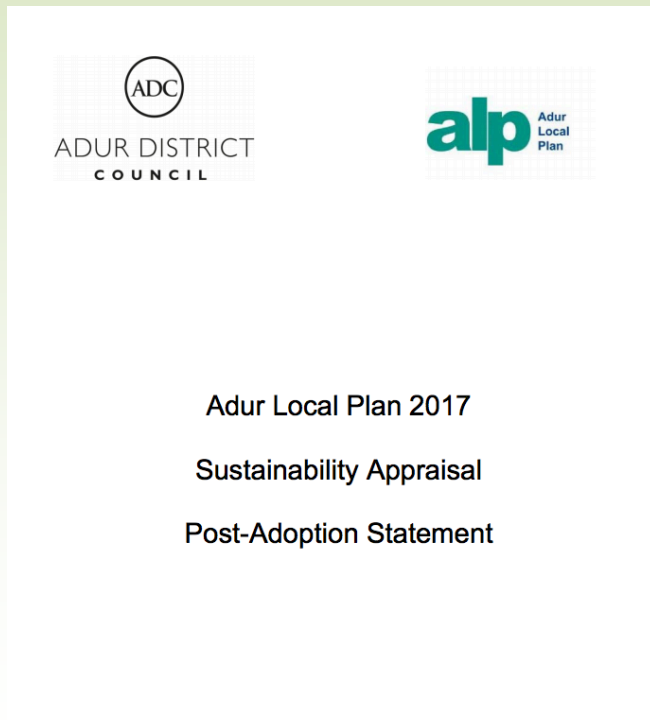
Denmark and the Netherland

- Authority responsible for adoption of the plan or programme has to consider
 - Conclusions of SEA report
 - Consultations
 - Results of Quality Control (NL)
- No 'SEA statement'

Pros and cons

- ☺ Planning/adopting authority has to ‘work’ with SEA report if there is no SEA statement
- ☺ SEA statement can represent another ‘factor’ to be considered in decision
- ☹ SEA Competent Authority can be ‘under pressure’ to issue positive statement

Post-adoption Statement, England



11 pages in length.

Post-adoption Statement, England

Local Plan Production Stage	Sustainability Appraisal Production Stage	When Published
	Scoping Report	June 2011

3

Core Strategy Housing and Employment Options	Sustainability Appraisal and Strategic Environmental Assessment of the Core Strategy Housing and Employment Options.	June 2011
Draft Adur Local Plan 2012	Draft Adur Local Plan SA Report	September 2012
Revised Draft Adur Local Plan 2013	Revised Draft Adur Local Plan SA Report	September 2013
Proposed Submission Adur Local Plan 2014	Proposed Submission SA Report	September 2014
Proposed Amendments to the New Monks Farm Allocations within the Proposed Submission Adur Local Plan 2015		December 2015
Amendments to the Proposed Submission Adur Local Plan 2016	Amendments to the Proposed Submission SA Report	March 2016
Submission Adur Local Plan 2016	Submission SA Report	October 2016
	Proposed Major Modifications Sustainability Appraisal Addendum	October 2016

”How the environment report has been taken into account?

As shown in part (a), the SA [SEA] has been an iterative process that has been fully integrated into the plan-making process and has ensured that sustainability has been an integral part of the Local Plan. At each stage, the findings of the SA, along with all other components of the Council’s evidence base, have been considered by officers in developing the Local Plan.”

Questions for discussion

- How to ensure SEA outcomes are taken into account?
- What should be the procedure to ensure consideration of SEA outcomes in plan/programme and related decision?
- How relevant stakeholders should be informed about adoption of the plan and programme and the way how it takes into account SEA outcomes?

Thank you for your attention!