



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Post-project analysis in transboundary EIA and monitoring in SEA: case examples

27 October 11:30-12:15 CET

*Subregional Workshop on the Practical Application of SEA and Transboundary
EIA, 26 – 27 October 2020*

Action implemented by:



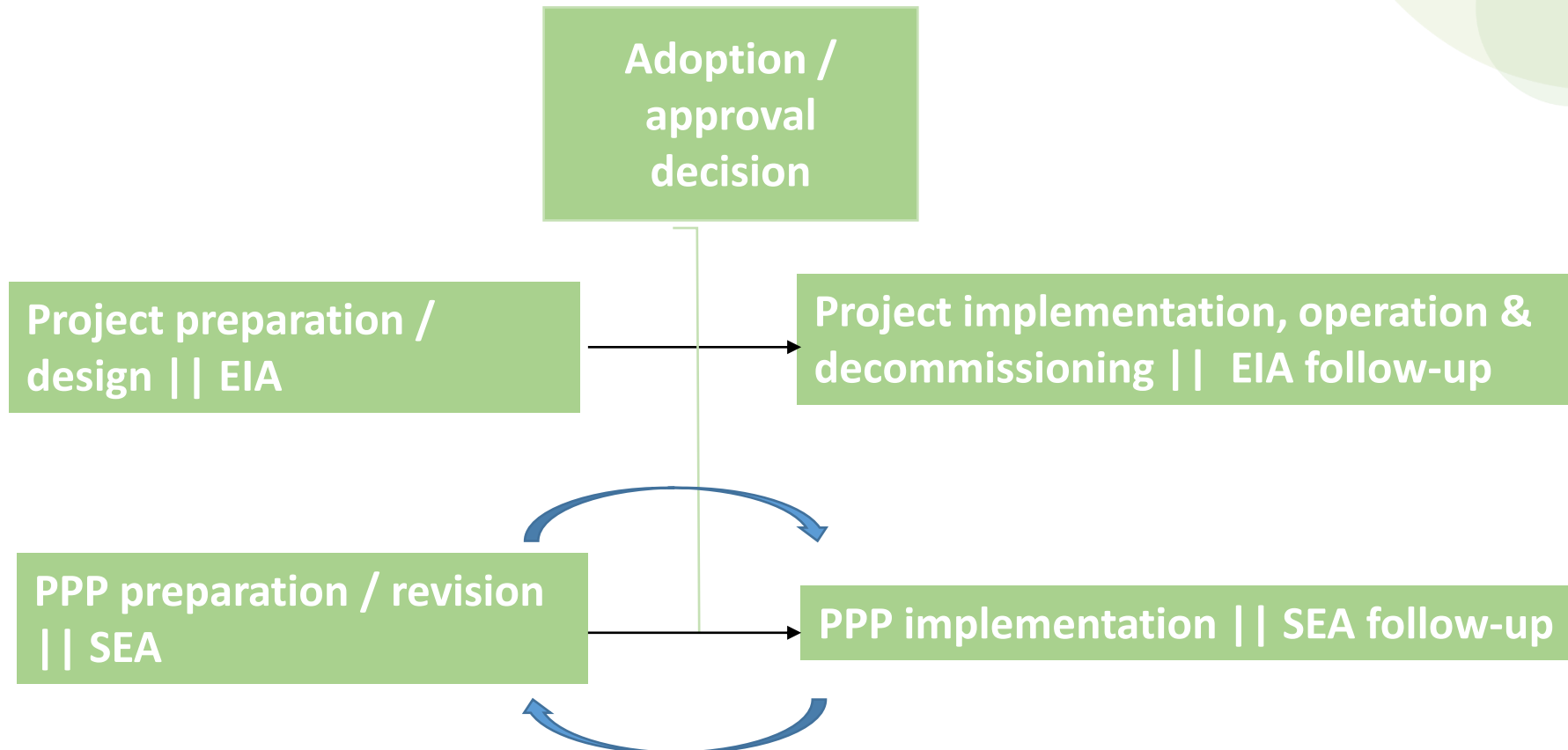


Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Understanding post-assessment activities (environmental assessment follow-up)





Action funded by
the European Union

Monitoring in SEA: Legal Requirements

SEA Directive:

1. monitor the significant environmental effects of the implementation of PPs
2. undertake appropriate remedial action
3. use existing monitoring arrangements, if appropriate
4. mitigation & monitoring measures to be publicly available

Protocol on SEA:

1. the same, but including health effects
2. the same
3. no mention
4. the same
5. additionally & importantly, the results of the undertaken monitoring to be publicly available



Action funded by
the European Union

Post-project analysis in EIA: Legal Requirements

EIA Directive:

- ❖ monitoring measures to be publicly available
- ❖ monitor how mitigation & compensation measures are implemented
- ❖ monitor significant **adverse** effects on the environment from construction and operation
- ❖ identify unforeseen significant adverse effects
- ❖ undertake appropriate remedial action
- ❖ use existing monitoring arrangements

Espoo Convention:

assumes that post-project analysis is required by the national law

DOES YOUR LAWS REQUIRE IT? IN WHAT FORM AND WHEN?

- ❖ the need for (and scale) of a joint (transboundary) project analysis to be determined by the concerned Parties, at the request of any such Party, in case of projects with T-EIAs
- ❖ monitoring & management measures and any plans for post-project analysis to be disclosed
- ❖ monitor the effects of mitigation measures at the expense of the Party of origin
- ❖ monitor the activity and determine any adverse transboundary impact
- ❖ inform the other Party if monitoring reveals a significant adverse transboundary impact => the concerned Parties to consult on measures needed to reduce/eliminate the impact



Action funded by
the European Union

Key tasks and practical aspects

- ❖ Monitor the delivery of **the environmental conditions** set out in the authorization/approval of the activity
- ❖ Review the environmental implications of **any changes** that are required;
- ❖ Monitor the **actual effects** of project activities on the environment and the community;
- ❖ Verify **compliance with regulatory requirements** and applicable standards or criteria;
- ❖ **Take action to reduce or rectify** any unanticipated adverse impacts;
- ❖ **Adjust the monitoring plan**, project specifications and related schedules as necessary;
- ❖ Evaluate the **effectiveness of the mitigation** measures; and
- ❖ Verify past predictions to **provide feedback to improve EIA/SEA practice** in a transboundary context in the future.



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Key participants

- ❖ Project proponent / planning authority
- ❖ Competent environmental authorities: Ministries of Environment and Ministries of Health of the Parties concerned
- ❖ Other authorities from both countries - ministries, agencies, municipalities, competent authorities for the development consent
- ❖ EIA / SEA practitioners and consultant organisations
- ❖ Scientific and research institutions
- ❖ Public concerned and directly affected communities
- ❖ Non-governmental organizations
- ❖ Mass media



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

The Netherlands: best EIA practice

- ❖ Post-project analysis is required as a formal component of the EIA process in the Netherlands
- ❖ the competent authority should investigate environmental consequences of any activity reviewed by the EIA Act:
 - ✓ enforcement site visits by inspectors of the competent authority and the independent Environmental Inspectorate;
 - ✓ Identification and evaluation of the actual post-project environmental effects
- ❖ the proponent should support / co-operate with the competent authority, plus apply self-regulating environment management and periodic reporting at the project as required per the decision and by the environmental license
- ❖ PPA results are published periodically, so the public has access to them
- ❖ Third party monitoring by members of the general public (NGOs) and consecutive action in case of non-compliance.



Action funded by
the European Union

Implementing the SEA Monitoring Scheme

Monitoring measures should not only be envisaged, but also implemented!

SEA monitoring activities and reporting should be:

- optimally integrated in the overall monitoring scheme for the implementation of a PP and/or linked to its regular revisions.
- reasonably based on existing monitoring schemes

Who is responsible?

- Protocol on SEA & SEA Directive do not suggest who, where, when or how should undertake the SEA monitoring.
- Practice: the key role is with the implementing agency



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Monitoring Examples from the Midlands WMP SEA

Environmental Receptor	Indicator	Source
Biodiversity, flora and fauna	<ul style="list-style-type: none"> - Proximity of new facilities to designated areas - Area and % of designated habitat damaged due to waste management facilities 	<ul style="list-style-type: none"> -Site EIS/AER/ DoEHLG -Site EIS/otherwise may not be available
Soil/ Landuse	<ul style="list-style-type: none"> - Area of land occupied by ceased and existing waste activities (Total area and greenfield area) - Location of new facilities - Area of land contaminated due to waste activities - Area of contaminated land restored for beneficial use 	<ul style="list-style-type: none"> -AER, Local Authority -AER -Local Authority -Local Authority

Air	<ul style="list-style-type: none"> - Number of licence exceedances for dust and noise - No. of households with a waste collection service - Estimated tonnes of waste uncollected - Amount of energy captured from waste facilities 	<ul style="list-style-type: none"> -AER - Local Authority /AER
Climatic Factors	<ul style="list-style-type: none"> - Estimate of landfill gases (CO₂ and methane) emitted/year from facilities - Tonnes of waste recycled, landfilled and thermally treated 	<ul style="list-style-type: none"> -AER/ Local Authority -Local Authority/ Annual Report/



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Post-project analysis for the of Wind Farm Lubrza Project in Poland

- ❖ Poland – Party of Origin
- ❖ The Czech Republic – Affected Party

- ❖ Notification – March 2012;
- ❖ Final decision – February 2014
- ❖ EIA, also in a transboundary context, including consultations – August 2013
- ❖ The Czech Republic requested the post-project monitoring consisting of:
 1. actual noise emission (performing measurements of noise during a day and night at the territory of the CzR in defined spots, in different weather conditions)
 2. monitoring of the birds and bats for 3 years



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Post-project analysis for the of Lubrza Wind Farm in Poland (cont.)

The final Decision on Environmental Conditions issued by RDEP (Regional Director for Environmental Protection) **included the obligation of conducting post-project analysis** in terms of:

1. impact of the wind farm on the birds

The monitoring to start within the first 12 months of operation & be performed three times within five years.

2. impact of the wind farm on the bats

This monitoring to start within the first 12 months of operation and be carried out for at least three seasons, during the first five years of the launch of investment, which is mandatory to include in the survey the first two years, while the third season tests can be performed in the third, fourth or the fifth year of the farm.

3. impact of the wind farm on the state of acoustic climate in the areas legally protected against noise

The analysis to include the results of measurements of noise from the operation of the Lubrza Wind Farm carried out within six months from the date of the farm's commissioning, at eight points marked according to the EIA report, and listed in the Decision.

The important requirements of the final Decision: the post-project analysis plan and results should be translated into Czech, and presented to RDEP and Czech Republic as per the terms set out in Decision



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Some challenges

- ☐ Programme of post-project analysis is not well linked to the identified adverse impacts/risks
- ☐ Weak implementation:
 - ❖ a limited control over how environmental assessment conditions are implemented in practice
 - ❖ responsibilities are not clearly assigned
 - ❖ financial means for environmental and social monitoring not envisioned
 - ❖ no clear provisions for evaluation and management within the post-project analysis programme
- ☐ A way to avoid such situations is to prepare a well structures environmental and social management plan listing all mitigation and monitoring requirements and conditions, roles, resources, timeframes, etc.
- ☐ Careful delivery of this plans (with a change management procedure in place)



Action funded by
the European Union

EU4Environment

Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

Some reference documents

Post project analysis in EIA, report prepared by the task force on EIA auditing with Canada as lead country, 1990, ECE/ENVWA/11.

<http://www.unece.org/fileadmin//DAM/env/documents/1990/ece.envwa.11.e.pdf>

Guidance on the practical application of the Espoo Convention, UNECE, 2006, ECE/MP.EIA/8.

https://www.unece.org/env/eia/pubs/practical_espoo.html

UNECE Resource Manual for SEA. 2012.

https://www.unece.org/env/eia/sea_manual/welcome.html

Manual for Trainers on Application of the Protocol on Strategic Environmental Assessment. 2018.

<https://www.unece.org/index.php?id=48758&L=0>