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# EU4Environment

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

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## Strategic Environmental Assessment (SEA): Purpose, legal framework, process and benefits

Online Training Workshop on the Practical Application of Strategic Environmental Assessment (SEA)

in Regional and Spatial Planning

26-27 April 2021

Baku, Azerbaijan

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## What is SEA?

SEA is a systematic & anticipatory process, undertaken to analyze environmental effects of proposed plans, programmes & other strategic actions and to integrate findings into decision-making

Key principles:

- Undertaken by the authority responsible for the given Plan/Programme (e.g. sectorial, spatial)
- Applied as early as possible in decision-making process
- Focused on key issues
- Evaluates reasonable range of alternatives
- Provides appropriate opportunities for involvement of key stakeholders & the public
- Carried out with appropriate, cost-effective methods & techniques of analysis

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## SEA: What does it take?

- SEA runs in parallel with Planning (drafting of the Plan or Programme)
- SEA team of environmental specialists looks into the draft Plan/Programme and provide comments to planning (drafting) team about:
  - Potential impacts(risks) from the proposed actions to the environment, and
  - Measures to prevent, mitigate, and minimize identified risks
  - Measures to enhance likely positive effects
- SEA team put together Environmental Report summarizing its findings and recommendations
- SEA Environmental Report together with the draft plan are made available for public consultations
- Planning institution takes the SEA findings (Environmental Report) together with feedback from the public consultations into consideration when finalizing and approving the draft Plan or Programme

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## SEA: What does it take? (2)

- SEA initiation – when main thesis, objectives and priorities of the Plan or Programme are available.
- SEA Scoping – identification of what environmental issues are relevant for given Plan or Programme, where the environmental impacts are likely to appear.
- Draft Plan/Programme evaluation by environmental experts
- Environmental Report compilation
- Public consultation of the draft Plan/Programme together with the Environmental Report
- SEA Authority (Ministry of Environment) concludes the SEA process, and the Plan can be subsequently approved while taking into account the results of the SEA process

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# Typical / Generic SEA Steps

**0. Screening:** to determine if SEA is required for the specific plan or programme (P/P)

**1. Scoping / Baseline Analysis**

Determination of key issues that should be considered within the SEA process

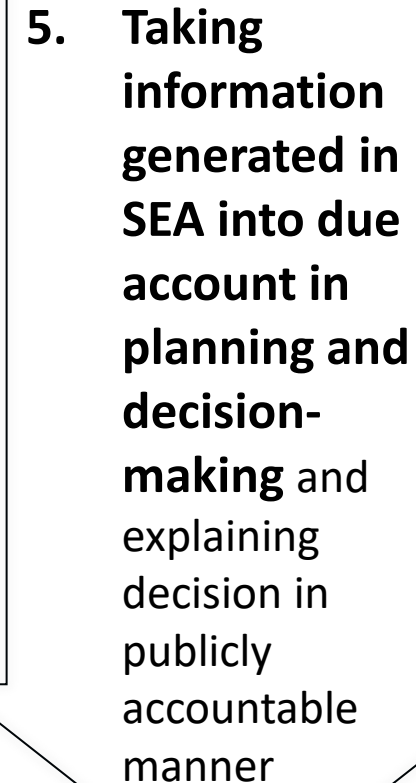
Analysis of key issues i.e. past evolution, current situation and likely future evolution if the plan or programme is not implemented

**2. Assessment of effects** of the plan or programme on the key issues and development of mitigation measures (including monitoring scheme)

**3. Compilation of the SEA Report** and its submission for consultations with environmental and health authorities and the public



**4. Consultations**



**5. Taking information generated in SEA into due account in planning and decision-making** and explaining decision in publicly accountable manner



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## SEA: Key tangible deliverables

1. Scoping Report, which outlines the scope of assessment and suggests further analyses – submitted to the governmental authorities and other stakeholders for consultations to determine of the scope and focus of the future SEA Report.
2. SEA Report summarizing all environmental expert analyses, assessment findings and recommendations – subject of stakeholder consultations and basis for SEA conclusion.

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## International Legal Framework: EU SEA Directive

The EU Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment

- Implemented in EU countries
- Transposed in accession countries => different levels of implementation

In force since July 2004 (EU)

- Varying integration of SEA Directive into national and regional legislation
- Varying practice and flexibility

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## International Legal Framework: EU SEA Directive

Defines plans and programmes that need to undergo SEA

- An SEA is mandatory for plans/programmes which are:
  - are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use **and** which set the framework for future development consent of projects listed in the EIA Directive.
- Defines topics to be assessed: roughly 4:
  - environment,
  - nature,
  - human health and
  - cultural heritage

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## International Legal Framework: SEA Protocol

Protocol to the so-called Espoo Convention (Convention on Environmental Impact Assessment in a Transboundary Context)

Signed in 2003 in Kyiv, entry into force July 2010

- also known as „Kyiv“ Protocol
- Signatories: 38; Parties: 25

Similar to SEA Directive, but additional focus on:

- Impacts on human health
- Public consultation

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## Requirements of the SEA Protocol

### Article 2 – Definitions

“Plans and programmes” means plans and programmes and 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.

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## Requirements of the SEA Protocol (2)

### Article 4 – Field of Application concerning Plans and Programmes

“Plans and programmes” means plans and programmes and any modifications to them that are:

1. SEA is carried out for plans and programmes (...), **which are likely to have significant environmental, including health, effects.**
2. SEA shall be carried out for plans and programmes 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, and **which set the framework for future development consent for projects** listed in annex I and any other project listed in annex II **that requires an environmental impact assessment under national legislation.**

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## Requirements of the SEA Protocol (3)

The following plans and programmes **are not subject** to this Protocol:

- (a) Plans and programmes whose sole purpose is to serve national defence or civil emergencies;
- (b) Financial or budget plans and programmes.

SEA is also not required, if the plan or programme determines the use of a **small area at a local level** or is a **minor modification** to a plan or programme (SEA will be required only if the plan or programme is likely to have significant environmental effects)

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## SEA Benefits

- Provide for high level of environmental protection
- Improve quality of P/P making
- Increase efficiency of decision-making
- Facilitate identification of new development opportunities
- Help prevent costly mistakes
- Strengthen governance
- Facilitate transboundary cooperation

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