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STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) OF URBAN PLANNING DOCUMENTS IN UKRAINE

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Legal Basis of Urban Planning in Ukraine

Relations in the field of urban planning are regulated by:

- Constitution of Ukraine, Civil, Commercial and Land Codes of Ukraine
- Laws of Ukraine:
 - **On Regulation of Urban Development**
 - On the General Scheme of Spatial Planning of Ukraine
 - On Fundamentals of Urban Development
 - On Architectural Activity, etc.
- State Building Norms (DBN)
 - DBN B.1.1-15: 2012 Composition and Content of the General Plan of the Settlement
 - DBN B.1.1-22: 2017 Composition and Content of the Zoning Plan
 - DBN B.1.1-14: 2012 Composition and Content of the Detailed Plan of the Territory etc.

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Composition of Urban Planning Documentation

State level	Regional level	Local level
General Scheme of Planning of the Territory of Ukraine	Scheme of Planning of the Territory of the Oblast Scheme of Planning of the Territory of Rayon	General Plan of the Settlement Zoning Plan (zoning) Detailed Plan of the Territory Comprehensive Plans for Spatial Development of Territorial Communities (2020)

According to the Law of Ukraine "On Regulation of Urban Development" **all the urban planning documentation** is subject to **mandatory** strategic environmental assessment (SEA).

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Legal Basis of SEA in Ukraine

- Protocol on Strategic Environmental Assessment (ratified by the Verkhovna Rada of Ukraine No. 562-VIII of 01.07.2015)
- **Law on Strategic Environmental Assessment** (No. 2354-VIII of 20.03.2018)
 - Methodological Recommendations for the Implementation of Strategic Environmental Assessment of State Planning Documents (order of the Ministry of Ecology and Natural Resources of Ukraine No. 296 of 10.08.2018)
 - Procedure for Monitoring the Consequences of the Implementation of the State Planning Document for the Environment, including for Public Health (resolution of the Cabinet of Ministers of Ukraine No.1272 of 16.12.2020)
 - Criteria for Determining the Consequences for the Environment, including the Public Health (order of the Ministry of Environmental Protection and Natural Resources of Ukraine, No. 213 of 28.10.2020)

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SEA Procedure in Ukraine

The Law of Ukraine “On Strategic Environmental Assessment” identifies 6 stages of SEA implementation:

1. Determining the scope of SEA (the planner must prepare a Statement on the determination of the scope of the SEA, publish it on its website and send it to the competent authorities for environmental protection and health)
2. Preparation of the SEA report
3. Public discussions* and consultations (including cross-border consultations)
4. Taking into account the SEA, the results of public discussion and consultations
5. Information about the approval of the state planning document
6. Monitoring of the consequences of the implementation of the state planning document for the environment, including public health

*Public discussion in the process of SEA of draft urban planning documentation **at the local level** is conducted according to the Law "On Regulation of Urban Development". Holding public hearings in the SEA procedure is **mandatory**.

The legal basis for public hearings is the “Procedure for Involving the Public in the Discussion of Issues that May Affect the State of the Environment” (amended Resolution of the Cabinet of Ministers of Ukraine No. 771 of 23.01.2019).

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Current Status of SEA in Ukraine

Benefits:

- Legal basis is established
- Legal basis is developing
- SEA is applied to a wide range of state planning documents: strategies, plans, schemes, urban planning documentation, national programs, state target programs and other programs and program documents, including any modifications to them
- There are wide opportunities for stakeholders and public to engage
- SEA documents are posted regularly on web-sites of regional authorities

Disadvantages:

- SEA is a formal procedure
- SEA is unable to influence urban planning document contents
- At the moment, SEA is failed to reach the SEA goal: *to promote sustainable development by ensuring environmental protection, safety of livelihoods of people and protection of their health, and integrating environmental considerations during the preparation and adoption of public planning documents*

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Shortcomings in SEA practice in Ukraine

Legal requirements:

- Absence of screening
- Absence of quality control in the SEA process Inadequate

SEA practice:

- Poor coordination and weak integration of planners and SEA experts
- Level of engagement is low; public participation is limited to consultation on the SEA report
- Low impact of public participation on urban planning documents
- Failing to generate reasonable alternatives as part of the planning process; failing to document reasons why a particular alternative was selected
- Inadequate mitigation measures
- Low priority of monitoring in the SEA process
- Weak assessment of cumulative effects

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Guidelines on Strategic Environmental Assessment for Urban Planning Documents

Line ministries and local authorities in Ukraine have not yet gained a better understanding of the SEA requirements and procedures established by law. Therefore, there is a need to strengthen local capacity by developing sectoral recommendations and supporting the practical application of these recommendations.

UNECE supports the use of SEA in Ukraine within the framework of the European Union funded EU4Environment Programme (2019-2022). UNECE is cooperating with the Ministry of Environmental Protection and Natural Resources of Ukraine on the development of sectoral recommendations to promote the use of SEA in the field of urban planning.

The purpose of the Guidelines is to provide guidance on the implementation of the rules for preparing SEA Reports in the development of urban planning documents.

Target groups for the Guidelines include developers of urban planning documentation and public authorities providing consultations within the SEA.

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Scoping Stage

Likely Effects on the Environment and Public Health

Plan Component	Proposed Action	Stressor	Biodiversity		Soil	Climate	Air	Water	Material Assets	Cultural Heritage	Nature Conservation Areas	Health	Transboundary Effects
			Flora	Fauna									
Construction Phase													
Transport	New highway – 10.000 cars/day	Land conversion for highway Noise Dust			Loss of high quality agricultural soil					Ambiance of site impacted by construction noise			
Residential Development	Apartments for 2000 people Single family houses for 1000 people	Land conversion for housing Dust Noise											
Industrial Development	Light industrial manufacturing – 10 ha Warehousing – 4 ha	Dust Noise			Development will be on brownfield site; existing soil quality may not be impacted		Dust may carry contaminants already entrained in the soil					Entrained contaminants may impact health of adjacent residents	Entrained contaminants may be carried across frontier 1.5 km from site boundary

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SEA Report

Characteristics of the state of the environment, living conditions of the population and the state of its health in the areas that are likely to be affected

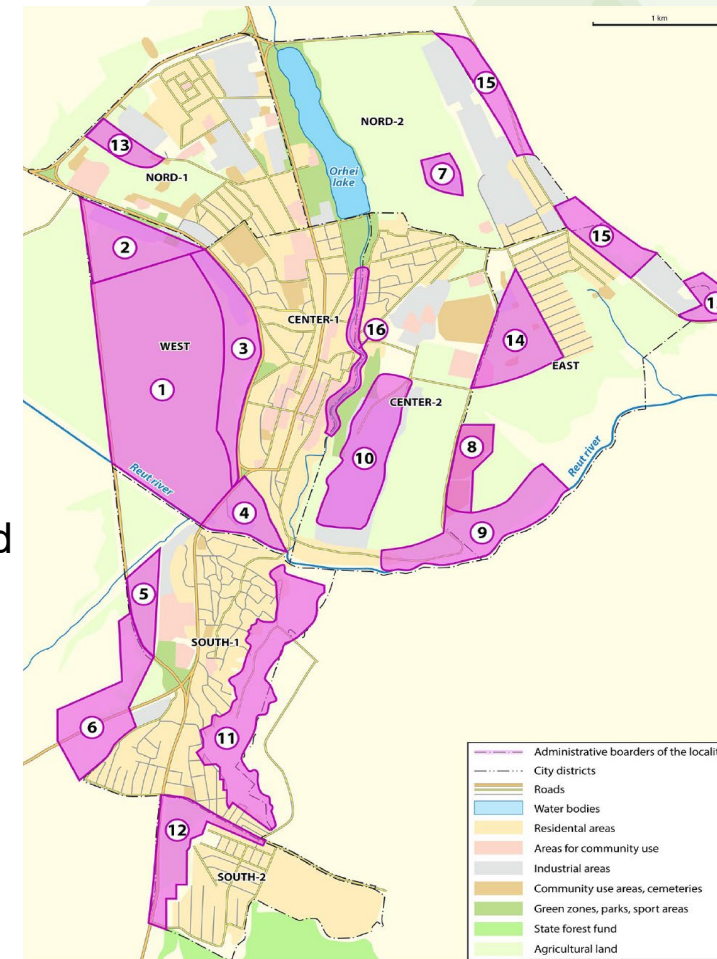
1. To display areas that will be affected – or that are likely to be affected - by a proposed UPD on a map (see example) using a number and/or color system to identify relevant areas.
2. To provide a general description of the state of the environment, the living conditions of the population and the state of its health in the areas that are likely to be affected

Number	Functional purpose of the territory	Planned change of purpose of the territory	Location	Area ha
1	Forested area	Apartment buildings	Eastern part of the city	2
2	Territory used for agricultural purposes	Area for recreation, sports and tourism	Western part of the city	10
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SEA Report

Description of effects on the environment, including public health

Area/Zone	Ambient Air	Climate	Water	Soils	Nature protected areas	Biodiversity	Health
Area/Zone 1	DI/LT RE/TR	IN/LT RE/TR	DI/MT LO	DI/ST LO	DI/ST LO	DI/ST LO	IN/MT LO
Area/Zone 2	?	?	0	DI/MT LO/CU	DI/MT LO	0	IN/MT LO
Area/Zone 3	DI/MT LO	IN/MT LO	DI/MT LO	0	0	INI/MT LO/CU	IN/MT LO

-2	Significant negative effects. Significant adverse effects should be minimized by mitigation measures so that they become minor.
-1	Moderate negative effects. The effects are acceptable.
0	No effects
+1	Moderate positive effects
+2	Significant positive impact
(?)	The significance of the effects cannot be estimated with certainty due to the lack of data on environmental components or for other reasons.
DI / IN	Direct/Indirect
LT/ MT/ ST	Long-term (10-15 years) / Medium-term (3-5 years) / Short-term (1 year)
LO / RE	Local / Regional
CU / SI / TR	Cumulative / Synergistic / Cross-border

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SEA Report

Description of effects on the environment, including public health (continue)

To present a more detailed description of effects on the environment and explanatory comments for each area. As there may be quite a lot of affected areas, it is advisable to place descriptive tables in the annex to the SEA Report.

Example for the territory "Creation of a hydro park" (existing condition - reservoirs on the site of former quarries)

Environmental component	Impact assessment	Effects characteristics
Air	0, +1	Increase in green space
Water	+1	Improving the hydrological condition of reservoirs after performing a set of hydraulic measures
Soils	+1	Landscaping and arrangement of shores, reconstruction of the natural vegetation layer
Biodiversity	+1	Increase in greenery
Socio-economic environment	+2	Improving the comfort of the environment, accessibility of recreation facilities, social ties of citizens, improving the health of the population

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Checklist

The checklist is a tool that can be used by practitioners ensure that the requirements of the Law on SEA have been fulfilled. The checklist identifies:

- Each Article and Point that requires action
- The text that specifies the action that is required
- The entity that is responsible to take the action
- A column for the responsible person to identify that the required action has been taken or not taken – and if not taken an explanation will be expected.

The checklist may be used to support all SEA documents.

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Para	Requirement	Responsible Entity	Status	
			Date of Completion	Incomplete
Article 10. Determination of the scope of strategic environmental assessment				
2	Submit an application (on paper and in electronic form) to the bodies specified in Articles 6 and 7 of the Law on SEA (regarding the SPD at national level) or bodies referred to in Article 8 of the Law (regarding the SPD at local and regional levels) to determine the volume of SEA, the scope of research, environmental assessment methods, the level of detail of information to be included in the SEA Report	Planner		
3	Prepare a statement on the determination of the scope of the strategic environmental assessment that should include information on: The customer; The type and main objectives of the SPD, its connection with other documents of state planning; The extent to which the SPD determines the conditions for the implementation of the types of activities or objects for which the legislation provides for the procedure of environmental impact assessment (including determination of location, size, capacity or allocation of resources); Probable consequences: for the environment, including for the health of the population; for territories with environmental protection status; transboundary consequences for the environment, including for public health; Justifiable alternatives that need to be considered, including if the SPD is not approved; Studies to be undertaken, the methods and criteria to be used in the strategic environmental assessment; Measures to be considered for preventing, reducing and mitigating the negative effects of the implementation of the SPD; Proposals on the structure and content of the Strategic Environmental Assessment Report; The body to which the comments and proposals are submitted, and the terms for their submission.	Planner		
4	Make public the statement on the determination of the scope of the strategic environmental assessment and (if any) the draft SPD by placing these documents on the official website of the planner in order to receive and take into account comments and suggestions of the public. Inform the public about the publication of the application for determination of the scope of strategic environmental assessment and (if any) the draft SPD in the manner prescribed by part four of Article 12 of the Law on SEA Ensure free public access to these documents during the entire period of public discussion as defined in part 5 of this article.	Planner		
5	Provide a period of not less than 15 days from the date of its promulgation for public discussion of an application for determining of the scope of strategic environmental assessment	Planner		
6	Submit comments and proposals to the statement on the determination of the scope of strategic environmental assessment within 15 days from the date of receipt of such an application. If no comments received from bodies specified in Articles 6, 7 and 8 of the Law on SEA (see Table A1), independently determine the scope of research and the level of detail of the information to be included in the report on the strategic environmental assessment.	Bodies specified in Articles 6, 7 and 8 of the Law on SEA Planner		

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