



Polish experiences in application of the SEA at national level and in the transboundary context for spatial development planning

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Legal background

- Poland ratified the SEA Protocol in 2011,
- Poland is a Member State of UE (UE is a Party to the Protocol since 2008),
- Due to this fact, the SEA Protocol and SEA Directive have been implemented into national law „*The Act of 3 October 2008 on the Provisions of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (O.J. of the Laws of 2013, Item 1235 as amended)*”

SEA in Poland

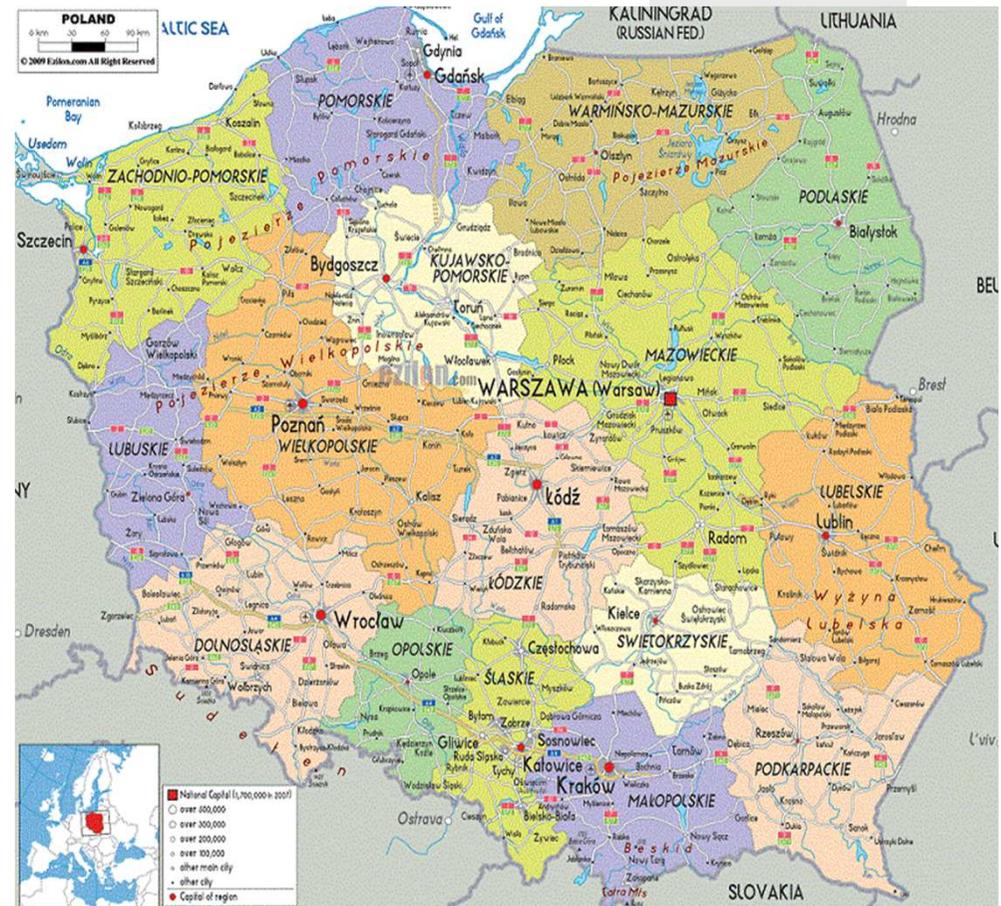
- SEA is carried out for draft plans and programmes of specific types,
- **SEA is also required when already adopted and being in force strategic document is modified (amended),**
- SEA is performed by competent authority at national, regional or local level which prepares the draft plan or programme.
- Within SEA procedure competent authority (which drew up the document) needs to obtain opinions and approvals of relevant authorities (environmental protection and sanitary inspectorate authorities) and conduct public participation.

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LOCATION – Lubuskie Voivodship, Poland - close to the state border with Germany

- west part of Poland and borders with Germany (Brandenburg and Saxony),
- this region has natural and landscape potentials of high value, favourable transport connections with Germany and other parts of Poland, Odra river's waterway which is a European ecological corridor,
- deposits of natural resources (especially energy), large areas of forest and agricultural production space are wealth of the region,



CASE STUDY

Voivodship Spatial Development Plan for Lubuskie

- Spatial Development Plan for Lubuskie Voivodship was originally adopted in 2002
- such plan is not an instrument of local law and do not constitute legal grounds for issuing of administrative decisions, it gives only to the municipalities a basis for formulation of regional-level conclusions in municipality-level studies on the conditions and directions of spatial development, as well as local spatial development
- due to a number of changes in socio-economic and legal situation in Poland, **existing Plan needed to be amended accordingly**
- special attention was paid to: cultural heritage, tourism, industry, natural resources, communication and transport, problematic and functional areas,



Stages of SEA

1. Field of application

Plan was prepared for regional planning and land use and could possibly cause significant environmental effects, including health.

2. Screening

The content of the amendment was of wide range and concerning the large area. Moreover, the competent environmental protection authority was of the opinion that SEA is necessary to be carried out.

3. Scoping

The requirements for scope and content of the environmental report were mainly based on the requirements laid down in national law and included approvals of environmental protection and sanitary inspectorate authorities.



4. Environmental report

The environmental report was prepared in accordance with defined scope. This report identified, described and evaluated the likely significant environmental, including health, effects of implementing the draft plan and its reasonable alternatives.

5. Public participation

- All persons had right to submit comments prior to the adoption of draft plan.
- Public was provided with possibilities of becoming acquainted with the draft plan and its environmental report.
- Documents were available for review at the seat of the competent regional government as well as at the website of the Public Information Bulletin.
- Means of public notification: website of the Public Information Bulletin, public notice in a customary manner at the seat of the competent regional government and each municipality which might be concerned, regional and local press, data placed in publicly accessible registers.
- At least 21-day period for comments and suggestions (time for public access and make comments).
- Comments submitted in written form, verbally to be recorded in the minutes, using the means of electronic communications without the need to secure them with the safe electronic signature.
- 10 comments and suggestions from public which were considered and took into



account.

6. Consultation with environmental and health authorities

- The draft plan together with its environmental report were consulted with competent environmental protection and sanitary inspectorate authorities. Moreover, the spatial planning and other authorities were involved in consultations on the basis of spatial planning law.
- At this stage 140 letters including comments and suggestions from authorities were delivered to the competent regional government which considered them and took into account. The manner in which comments and suggestions from authorities have been considered was made publicly available in the public accessible registers.

7. Transboundary consultations

- Implementation of **draft plan was likely to have significant transboundary, including health, effects on the German territory.**
- Poland and Germany have a long-lasting bilateral cooperation on transboundary EIA and SEA. Both Parties cooperate on the basis of bilateral Polish-German Agreement on EIA, signed in 2006 and entered into force in 2007.
- Due to the fact that, the existing bilateral agreement on EIA has been applied successfully for many years both countries decided to apply its provisions also to the extent appropriate to SEA.
- **Notification** contained information on the legal status of draft plan, text of draft document and its environmental report in Polish and German languages.
- **Deadline for declaration** whether or not Germany would like to participate was **30 days** since the date of receiving the notification.

7. Transboundary consultations

Public participation in Germany was organized on the same rules as in Poland (the equal rights and opportunities):

- ✓ the German public was informed about draft plan and transboundary SEA by relevant German authorities through public notice and public display in Official Journal,
- ✓ the time frame for submitting comments and suggestions by German public was **at least 21-day period as Polish law stipulates** (time for public access and formulate comments). Therefore, German authorities which were in charge of organizing the German public participation, gave its own public opportunity to be acquainted with necessary documentation and make comments within period of 21 days,
- ✓ the German public could send the comments and suggestions directly to the Polish authority which drew up a draft plan or indirectly through the German relevant authority,

7. Transboundary consultations

- the comments and suggestions could be formulated by German public in German language (or Polish) in written form, verbally to be recorded in the minutes and using the means of electronic communication without the need to secure them within safe electronic signature,
- the information on the manner in which the comments and suggestions submitted by the German public has been taken into account and to what extent it has been used was included in written summary as an enclosure to the adopted plan.

7. Transboundary consultations

- in the course of German public participation Polish relevant authority received **1099 comments from German public**,
- most of them were sent directly to the authority in charge of drew up the draft plan,
- such enormous number of public comments from Germany faced Polish authority with a lot of practical problems:
 - ✓ firstly, a lack of human resources to deal with all submitted comments;
 - ✓ secondly, translations caused difficulties because due to the Procurement Law the Marshal had limited opportunities to choose the most suitable translator, so that the quality of the translations was not so satisfied,
 - ✓ what is more the German side emphasized that the translation caused some misunderstandings because of not so high accuracy of used terminology.

7. Transboundary consultations

- **Germany gave two statements**, Brandenburg and Saxony, included opinions of the municipalities and other concerned German authorities. At this stage Saxony was fully satisfied with SEA documentation and had no further questions or concerns.
- **Meeting at the governmental level** in order to discuss in details the transboundary environmental effects of implementing the plan and measures envisaged to prevent, reduce or mitigate environmental effects.
- After adoption of draft plan the competent regional government translated the adopted document together with written summary into German language. Further, original version and its translation into German were sent to Germany in order to make it publicly available for concerned stakeholders in the affected Party.

8. Decision

- After having finished the public participation, obtained the required opinions and completed the transboundary consultations the plan was adopted and published.
- A **written summary** enclosed to the adopted plan contained a justification of the choice of the adopted document in relation to the alternatives considered as well as information on the manner in which the following has been taken into account and to what extent it has been used:
 - ✓ the findings of the environmental report,
 - ✓ the opinions of the competent authorities,
 - ✓ the submitted comments and suggestions,
 - ✓ the results of the procedure relating to the transboundary SEA, where it has been conducted,
 - ✓ proposals for the methods and frequency of monitoring the effects of the implementation of the provisions of the document.

Monitoring

- the competent regional authority was obliged to monitor the effects of the implementation of the adopted document in the scope of its environmental impact.
- What is more, pursuant to the spatial development law voivodship spatial development plans need to be periodically revised and assessed at least every four year.

Thank you for your attention 😊

