Figure A3.1: Guide to determining whether a particular plan or programme should be subject to SEA under the Protocol

1: Is the plan or programme (or the modification to it) required by legislative, regulatory or administrative provisions? (art. 2.5(a))

2: Is the plan or programme 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? (art. 2.5(b))

3: Is the sole purpose of the plan or programme to serve national defence or civil emergencies, or is it a financial or budget plan or programme? (art. 4.5)

4: Is the plan or programme being 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? (art. 4.2)

5: Does the plan or programme set the framework for future development consent for projects listed in annex I? (art. 4.2)

6: Does the plan or programme set the framework for future development consent for any other project listed in annex II? (art. 4.2)

7: Does the relevant annex II project require EIA under national legislation? (art. 4.2)

8: Does the plan or programme set the framework for future development consent of projects irrespective of whether they are listed in annex I or annex II? (art. 4.3)

9: Does the plan or programme determine the use of a small area at a local level or is it a minor modification to a plan or programme? (art. 4.4)

10: Is the plan or programme likely to have significant environmental effects (taking into account the criteria set out in annex III)? (art. 5.1)

Yes

No

No SEA required under the Protocol

Yes

No

No

No

No

No

Yes

SEA required under the Protocol

Yes

No

No

No

No

No