



Section A4.2: SEA of plans & programmes - Scoping & environmental report

Resource Manual to Support
Application of the UNECE Protocol on
Strategic Environmental Assessment

A4.2 Scoping & the environmental report

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- Scoping (art. 6)
- Environmental report (art. 7)
 - Might apply them as distinct elements in SEA
- Legal obligations
- Alternatives
- Other possible practical considerations



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- Article 6 – **Scoping**
 1. Each Party shall establish arrangements for the determination of the **relevant information** to be included in the environmental report in accordance with article 7, paragraph 2.
 2. Each Party shall ensure that the environmental and health **authorities** referred to in article 9, paragraph 1, are **consulted** when determining the relevant information to be included in the environmental report.
 3. To the extent appropriate, each Party shall endeavour to provide **opportunities for the participation of the public concerned** when determining the relevant information to be included in the environmental report.
- In Directive, see Article 5(4)



- **Scoping** defines information content
 - topics to be considered
 - depth / detail of information on each topic
- Aim to assure environmental report correctly focused
 - providing enough information on what really matters
 - not cluttering report with what does not matter
 - excessive account of information on insignificant effects / irrelevant issues
 - makes report difficult to digest
 - might lead to important information being overlooked
- Environmental & health *authorities* must be consulted
- *Public concerned* may have opportunities to participate
- Information in environmental report to be relevant & in accordance with criteria in art. 7.2



- Article 7 – **Environmental Report**
 1. For plans and programmes subject to SEA, each Party shall ensure that an environmental report is prepared.
 2. The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the P/P and its reasonable alternatives. The report shall contain such information specified in annex IV as may reasonably be required, taking into account:
 - a) Current knowledge and methods of assessment;
 - b) The contents and the level of detail of the P/P and its stage in the decision-making process;
 - c) The interests of the public; and
 - d) The information needs of the decision-making body.
 3. Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.



A4.2.1 (cont'd) Legal obligations

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- In Directive, see Articles 2(c), 5(1), 5(2), 5(3) & 12(2)
 - Protocol annex IV similar to Directive Annex I



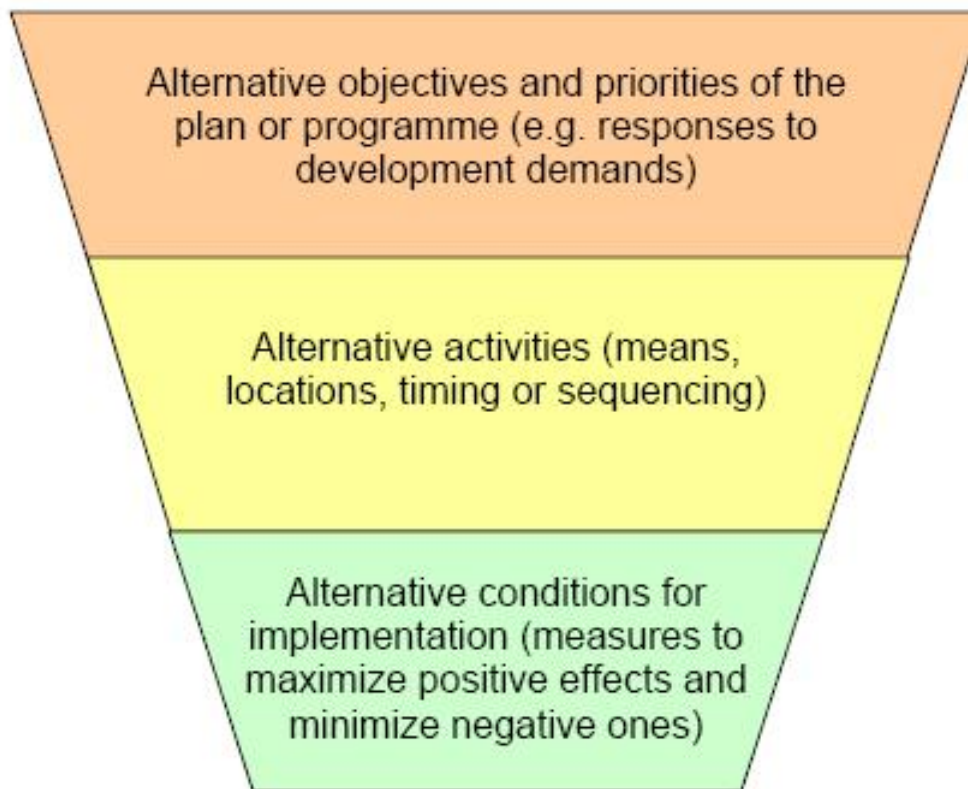
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- **Environmental report** includes
 - consultation with authorities
 - public participation
 - possibly transboundary notification & consultations
- Report to identify, describe & evaluate likely significant environmental effects of implementing P/P & reasonable alternatives
- Describes monitoring arrangements
- Content
 - reflects outcome of scoping (art. 6)
 - based on list in annex IV
 - takes into account 4 criteria (art. 7.2)
- Sufficient quality
- Used by decision-makers



- Environmental report should deal in same way with draft P/P & its reasonable alternatives
- Alternative options considered in P/P-making:



- Not all alternatives considered within P/P-making process necessarily generated within that process, e.g.
 - adopt objectives & priorities defined in higher-level P/Ps or policies
 - further develop options elaborated in related studies before P/P-making process
- SEA has to assess effects of whole P/P, i.e.
 - objectives
 - activities to attain objectives
 - conditions for their implementation



- All alternatives can be analyzed & mutually compared for
 - Contribution to attainment of relevant P/P objectives
 - Specific impacts



- SEA may provide inputs to development of alternatives in key elements of P/P-making process where alternatives discussed, i.e.
 - Clarifying P/P context & objectives
 - Elaborating alternative scenarios for future developments
 - Defining alternative ways of reaching P/P objectives
 - Comparing alternative measures to prevent / mitigate / offset negative effects



- Protocol treats draft P/P & alternatives same
 - report to cover reasonable alternatives in full
 - suggest all alternatives treated equally
 - *not* one P/P plus a number of alternatives
 - *but* just a number of alternatives
- P/P might evolve
 1. Initial set of alternatives (maybe during scoping)
 2. Select & revise – yielding preferred alternatives
 3. Adopt – select final P/P
- Recommend begin consideration of alternatives in scoping
- SEA Directive calls for more comprehensive assessment of alternatives than does EIA Directive



A4.2.3 Other possible practical considerations

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- Responsibility for scoping & preparing environmental report
- Suggested steps in scoping & preparing environmental report
 - Steps 1-5
 - Report quality



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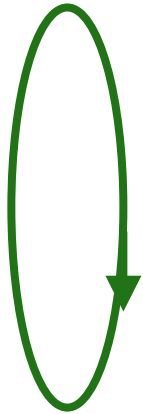
- Protocol does not specify who responsible for preparing draft P/P
 - varies according to specific P/P & administrative level addressed
- Responsibility for preparing environmental report (& for screening & scoping)
 - often authority or natural / legal person responsible for preparing draft P/P
 - may be determined in national legislation



- Environmental report is important tool for integrating environmental considerations into preparation & adoption of P/Ps
 - ensures likely significant environmental effects
 - identified, described & assessed
 - taken into account
- Preparation of environmental report & integration of environmental considerations into P/P preparation
 - form iterative process
 - should contribute to more sustainable solutions in decision-making



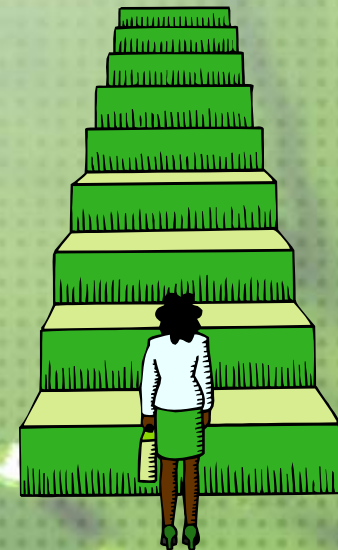
- Protocol does not explicitly determine
 - an iterative process
 - need for draft reports
- But suggest report preparation be iterative process, between & within steps
 - Step 1 Determine scope
 - Step 2 Analyze context & baseline
 - Step 3 Contribute to development & comparison of alternatives
 - Step 4 Prepare environmental report
 - Step 5 Consult



- Suggested steps elaborated in following slides
 - mandatory **methodological & process** tasks to be undertaken at some point in SEA
 - extra **optional** tasks promoting good practice
- Methodological tasks should result in preparation & provision of information to be included in environmental report (annex IV)
- Methodological & process tasks mandatory within SEA as whole – not necessarily in step indicated
- Sequencing of tasks a recommendation
 - process likely iterative – e.g. scope continues to be developed as environmental report prepared



- Steps described below indicate when public participation & consultation with authorities might take place
- Public concerned & authorities must have opportunity to express opinion on environmental report once report finalized
- But must also be *early, timely & effective opportunities for public participation, when all options open*
 - sometimes good to provide additional opportunities at earlier stages of report preparation on voluntary basis



STEP 1: Determination of scope

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- Scoping: determination of relevant information to be included in environmental report
 - *either* as separate element in SEA process
 - *or* as first step in preparing environmental report
- Might answer following questions
 - Which geographical areas to be covered?
 - Which environmental aspects (human health, flora, fauna, biodiversity, soil, etc.) to be examined?
 - Which periods of time to be covered?
 - Which methods (in data collection, effects assessment, public participation, consultation with authorities, etc.) to be used & to what depth / detail?
 - What are data requirements?
 - Which alternatives to be considered?

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- Might also answer
 - What are main P/P objectives?
 - What environmental objectives relevant to P/P, & how do they relate to P/P objectives?
 - What other P/Ps relevant & how might they interact with P/P?
 - What environmental problems relevant to P/P?



- **Methodological tasks**

- Describe P/P contents
- Identify main P/P objectives
- Identify other relevant P/Ps & explain how they interact with P/P
- Gather information on environmental problems relevant to P/P
- Identify environmental objectives relevant to P/P
- Outline reasons for selecting alternatives dealt with

- **Process tasks**

- Analyze how environmental objectives relate to proposed P/P objectives
- Identify environmental & health authorities to be consulted
- Consult authorities on information to be included in environmental report
- Determine information to be included in report



- **Extra, optional tasks**

- Identify relevant policies & explain how interact with P/P
- Identify likely effects to be assessed
- Identify concerned public to participate, including relevant NGOs (must be done by step 5)
- Provide for public participation in determining relevant information to be included in report
- Informally notify & consult affected Parties as appropriate



STEP 1 (cont'd): Determination of scope

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- Neither Protocol nor Directive explicitly requires elaboration of **objectives**, but
 - require relevant information in environmental report on
 - objectives (international, national & other levels)
 - how taken into account in P/P preparation
 - assessment of how far objectives met by measures under consideration is recognized means of comparing alternatives within SEA
- Types of objective proposed
 - **main objectives** of proposed P/P
 - **environmental objectives** relevant to P/P
- See *Manual* for environmental objectives
- May be useful to examine how these objectives interact with / whether compatible with P/P objectives

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STEP 1 (cont'd): Determination of scope

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- Various techniques to define objectives & to develop P/P ideas, involving authorities & public at earliest stage of P/P development
 - authorities might guide information gathering on other relevant P/Ps, state of environment & likely evolution, area characteristics, problems, stakeholders
- In considering what other P/Ps relevant & how might interact with P/P, useful to examine any hierarchy of P/Ps (*tiering*)



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STEP 1 (cont'd): Determination of scope

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- If significant **transboundary** effects likely, suggest informal transboundary consultations begun during scoping
 - if no consultations during scoping, later consultations may identify new issues, so requiring this element be revisited



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- No Protocol requirement to prepare **scoping report**
 - But may be useful to record outcome of scoping
 - Provides outline of what to be done when preparing environmental report
 - Might be publicly available as matter of good practice
 - May be requirement to make such report publicly available under Aarhus Convention
- Scoping need not be administratively distinct from preparation of environmental report, as no requirement for
 - scoping report
 - administrative decision on outcome of scoping
- But consultation with authorities on scope of environmental report always required
 - not sufficient to integrate scoping into report preparation & to consult authorities only once report prepared



STEP 1 (cont'd): Determination of scope

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- Responsible authority might employ **outside body** (public / private) to undertake SEA elements (not decision-making!)
- Scoping report might provide basis for terms of reference
- Scoping might also be contracted out
- Contracting out need not lead to a separation of SEA from P/P-making process, provided SEA contractor works closely with P/P makers

- See *UNEP EIA Training Resource Manual* (2nd edition), Topic 12 (EIA project management), and EU ToRs



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STEP 2: Analysis of the context & baseline

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- Information gathering exercise
- Useful to record
 - difficulties encountered in gathering information
 - data limitationsthese need to be described in environmental report
- No requirement for consultation & public participation at this stage
 - only required once environmental report prepared
 - maybe unnecessary & inefficient to provide in all steps
- But public & authorities might help responsible authority in
 - assessing information gathered so far
 - revising scope as necessary
 - discussing objectives

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- **Methodological tasks**
 - Gather information on
 - current state of environment & likely evolution if P/P not implemented
 - characteristics of environment in areas likely to be significantly affected
- Process tasks (none)
- **Extra, optional tasks**
 - As appropriate, consult authorities & provide for public participation on context, objectives & baseline
 - Informally notify & consult affected Parties, as appropriate
 - Describe methodology for identification of authorities & public concerned
 - Specify quality of information gathered & how up to date it is



- **Methodological tasks**
 - Describe how environmental objectives & other environmental considerations taken into account in preparing P/P, including alternatives
 - Assess alternatives by identifying, describing & evaluating likely significant environmental effects
 - Describe assessment methodologies
 - Propose measures to prevent / reduce / mitigate adverse environmental effects
- Process tasks (none)



- **Extra, optional tasks**

- Propose measures to enhance environmental benefits
- Provide inputs to development of alternatives, to
 - maximize their contribution to environmental objectives
 - take into account other environmental considerations including adverse effects
- Record how alternatives developed
- As appropriate, consult authorities & provide for public participation on alternatives
- Consult affected Parties as appropriate
- Describe why methodologies selected & their limitations



STEP 3 (cont'd): ... alternatives

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- How alternatives developed will need to be outlined in report, so important to keep records of process
- Might iterate through tasks in this step until alternatives sufficiently developed & assessed to be described in full in environmental report
- One approach (among others) to assessment of alternative P/Ps (or elements within them):
 - look at objectives and record in matrix compatibility of alternatives with objectives
 - if alternatives developed, refined & reduced in number, assessment might become more detailed & eventually comprise identification, description & evaluation of likely significant effects of all reasonable alternatives that remain
- Record difficulties encountered predicting & evaluating effects

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STEP 3 (cont'd): ... alternatives

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- Strictly, measures to prevent / reduce / mitigate effects might only be proposed for selected P/P
 - but identification of such measures for all reasonable alternatives will provide information on residual effects
 - so providing more informed P/P selection
- Public participation & consultation might occur in this step, if appropriate, to improve alternatives under consideration



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STEP 4: Prepare the environmental report

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- Everything now ready to put in environmental report
- Non-technical summary available now
 - early versions maybe distributed earlier to facilitate public participation & consultation process
- Environmental report ‘coherent text or texts’ & might be structured on headings used in the annex
- If integrated into P/P, it should be
 - clearly distinguishable as separate part of P/P
 - be easy to find & assimilate for public & authorities
- Possibility of integrating report within sustainability assessment / appraisal, which might in turn be integrated within P/P

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- **Methodological tasks**
 - Propose monitoring arrangements
 - Identify & describe difficulties, limitations, uncertainties & risks in alternatives' assessment, e.g. from data gaps
 - Summarize information in non-technical summary
- **Process tasks**
 - Prepare environmental report
- **Extra, optional tasks**
 - In proposing monitoring arrangements, address data gaps & data quality / quantity issues
 - Revise selected alternatives & report as necessary
 - Record how SEA influenced development of P/P & alternatives
 - Record interactions between planning & SEA teams
 - Propose follow-up actions, including recommendations for other P/Ps or projects



- Quality of environmental report to be sufficient for Protocol purpose (art. 7.3 – & Directive Art. 12(2))
- Responsibility for assuring quality depends on national institutional arrangements, e.g.
 - authority that prepared environmental report
 - body responsible for preparing guidelines
 - independent commission
 - existing audit commission with extended mandate



- Sufficient quality means
 - proper application of provisions, in content & procedure
 - complete & reliable information adequate for Protocol
- If report not of sufficient quality
 - might be amended / augmented / part of SEA repeated
 - questions validity of decisions taken as result of SEA?
- Protocol provides minimum standard – go further?
 - independent assessments
 - guidelines on procedural or substantive requirements
 - review by an independent institution
 - reliance on complaints / legal appeals
- Many methods to maintain quality (see *Manual*)



STEP 5: Consult

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- Consultation & public participation must occur at this stage
- Authorities & public concerned comment on environmental report & draft P/P alternatives
- Comments need to be taken into account in decision on P/P, so should be recorded
- If likely transboundary effects have been determined, transboundary consultations must now be begun
 - affected Party might also request consultations take place
- Report & P/P alternatives might be amended if appropriate to take account of comments received before being submitted to decision-makers

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STEP 5 (cont'd): Consult

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- Methodological tasks (none)
- **Process tasks**
 - Identify concerned public to participate, including relevant NGOs (if not already done in step 1)
 - Make environmental report available to authorities & public
 - Formally notify affected Parties as appropriate
 - Consult authorities & provide for public participation on environmental report & selected alternatives
 - Consult affected Parties as appropriate
 - Receive comments to be taken into due account in decision
 - Submit to decision-maker
- **Extra, optional tasks**
 - Describe consultation & public participation processes
 - Record who comprised *public* & *public concerned*

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