Section A4.4: SEA of plans & programmes – Consultation with authorities

Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment
A4.4 Consultation with authorities

- Legal obligations
- Possible practical considerations
A4.4.1 Legal obligations

- Article 9 – Consultation with Environmental and Health Authorities
  1. Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the P/P.
  2. The draft plan or programme and the environmental report shall be made available to the authorities referred to in paragraph 1.
  3. Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft P/P and the environmental report.
  4. Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.
A4.4.1 (cont’d) Legal obligations

• Further provisions in articles 2.6 (in ‘definitions’), 5.2 (in ‘screening’), 6.2 (in ‘scoping’), 10.4 (in ‘transboundary consultation’), 11 (‘decision’) & 12.2 (in ‘monitoring’)
• In Directive, see Articles 6(1), 6(2), 6(3) & 6(5), plus:
  – preamble; Articles 2(b), 3(6), 5(4), 7(2), 8 & 9(1)
A4.4.1 (cont’d) Legal obligations

• Environmental & health authorities have an early, timely & effective opportunity to express their opinion on draft P/P & environmental report

• Determine:
  – Which environmental & health authorities to consult
  – Detailed arrangements for informing & consulting them

• Consultation with environmental & health authorities occurs several times in SEA
  – Determination of significant effects, if required while determining whether SEA required
  – Scoping
  – Environmental report
A4.4.2 Possible practical considerations

• Parties determine detailed arrangements for informing & consulting authorities, with legislation providing framework.
• ‘Authorities’ includes formal governmental / public authorities, defined by administrative / legal requirements.
• Require designation of authorities to be consulted:
  – including them in legislation
  – designating case by case
  – designating for each P/P type
  – advance determination mandatory under Directive
• Might draft service agreements / terms of reference to clarify responsibilities.
• Most appropriate form of consultation needs to be selected for each P/P, or for each P/P type.
A4.4.2 (cont’d) Possible practical considerations

• Many methods & techniques for consultation
  – Seeking written comments
  – Steering groups
  – Focus groups
  – Advisory committees
  – Interviews
  – Internet-based discussions

• See Chapter A5