Section A4.7:
SEA of plans & programmes – Monitoring

Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment
A4.7 Monitoring

- Legal obligations
- Possible practical considerations
A4.7.1 Legal obligations

- Article 12 – Monitoring
  1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes, adopted under article 11 in order, inter alia, to identify, at an early stage, unforeseen adverse effects and to be able to undertake appropriate remedial action.
  2. The results of the monitoring undertaken shall be made available, in accordance with national legislation, to the authorities referred to in article 9, paragraph 1, and to the public.

- In Directive, see Article 10
- inter alia means ‘among other things’
A4.7.2 Possible practical considerations

- **Benefits**
  - Identify, at an early stage, unforeseen adverse effects
  - Be able to undertake appropriate remedial action

- **Monitoring might also be used to**
  - Compare predicted & actual effects
    - provides information on P/P implementation
  - Provide experience to help improve future SEAs
    - i.e. as quality control tool
  - Check compliance with environmental conditions imposed by authorities
  - Check that P/P implemented as described
    - including measures to prevent / reduce / mitigate adverse effects
A4.7.2 (cont’d) Possible practical considerations

- Who, what, where, when, how of monitoring
  - who is to undertake it
  - who is to make results available
  - what to monitor (P/P’s significant environmental effects)
  - what to make available (raw results / analyses thereof)
  - where to monitor
  - what frequency & for how long
  - when to make results available
  - how to monitor (methods)
  - how to make results available

- Might exploit existing monitoring & information access arrangements or strengthen them for SEA
A4.7.2 (cont’d) Possible practical considerations

- Nature of monitoring will vary, e.g.
  - For regularly revised land-use plan, monitoring whether predicted environmental effects realized as means of improving next plan version
    - difficult to establish cause-effect relationship at P/P level
    - monitoring results made available at start of next plan-revision cycle
  - For transport infrastructure programme, monitoring focused on dealing with unexpected implementation effects, taking immediate action through modifying programme or its individual projects
    - duration of monitoring might be significantly longer
    - public availability of monitoring results might be through programme-specific website
• Methods
  – Available & suited to testing whether assumptions & predictions made in environmental assessment correspond with environmental effects when P/P implemented
  – Able to provide early warning of unforeseen adverse effects of P/P so timely remedial action can be taken
• Nature (i.e. detail & whether quantitative / qualitative) of environmental information to be monitored depends on
  – corresponding character & detail of P/P
  – its predicted environmental effects
A4.7.2 (cont’d) Possible practical considerations

- Requirement to identify unforeseen adverse effects
  - but can be based on significant environmental effects identified in environmental report
- *Unforeseen* might refer to unforeseen magnitude / intensity of foreseen effect
- Can include elements in monitoring programme that might identify truly unforeseen effects
- *Implementation* covers
  - realization of projects envisaged in P/P (construction & operation)
  - other activities (such as behavioural measures / management schemes) forming part of P/P (or its implementation)
- *Remedial action*
  - If modify P/P as a result, may require further SEA (if articles 2.5 & 4 satisfied)
A4.7.2 (cont’d) Possible practical considerations

- Significant effects monitored might include **transboundary** effects
- See post-project analysis in Espoo Convention (Art. 7)
- No requirement to share monitoring results with affected Party, but
  - monitoring results should be in public domain
  - might need affected Party’s assistance in setting up monitoring in its territory
A4.7.2 (cont’d) Possible practical considerations

• Further sources of information
  – *Chapter A5* on tools
  – *EC Guide* (section 8 & appendix I)
  – EU Network for the Implementation & Enforcement of Environment Law (IMPEL)