National approach to land-use-planning, siting and safety, integrated in SEA and EIA legislative and policy framework

Workshop on land-use planning, the siting of hazardous activities and related safety aspects, Geneva 13th April 2016

Suzana Milutinović
Section for Major Chemical Accident Protection
Ministry of Agriculture and Environmental Protection
Republic of Serbia
Legal framework

Republic of Serbia is the Party to

- Convention on the Transboundary Effects of Industrial Accidents
- Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and
- Protocol on Strategic Environmental Assessment (SEA)
- Amendments to ESPOO Convention, Decision II/14 and Decision III/7, ratified 2016
EU legislation – partially transposed

- Seveso III Directive (2012/18/EU of 4 July 2012) on the control of major-accident hazards involving dangerous substance
Legal framework

- Main legal acts:
  - Law on Environmental Protection
  - Law on Environmental Impact Assessment
  - Law on Strategic Environmental Impact Assessment
  - Law on Planning and Construction
  - Law on Emergencies
  - Law on Fire Protection
Competent authorities

CA responsible for decision making:
- regarding land use plans
  Ministry of Construction, Transport and Infrastructure

- regarding siting of new establishments and modifications
  Ministry of Construction, Transport and Infrastructure
  Ministry of Agriculture and Environmental Protection
  Ministry of Interior
Competent authorities

CA responsible for implementing obligations related to prevention and emergency preparedness regarding industrial accidents and potential transboundary effects
- Ministry of Agriculture and Environmental Protection
- Ministry of Interior – Sector for Emergencies
Competent authorities

CAs that are consulted in the environmental assessment (SEA and/or EIA) procedure regarding land-use plans and regarding siting:

- Ministry of Agriculture and Environmental Protection
- Institute for nature conservation of Serbia
- Ministry of Construction, Transport and Infrastructure
- Ministry of Mining and Energy
- Ministry of Health
Integration of industrial accidents safety considerations into the land use planning via SEA

- Strategic environmental assessment (SEA) is incorporated in legislation

General obligations
- The competent authority responsible for plan and programme preparation cannot continue further procedure of adoption of plans or programmes without having obtained the approval from the competent environmental protection authority for the strategic assessment report.
Stages in the SEA procedure

1. Preparation stage:
   • The decision on strategic assessment elaboration;
   • The selection of the strategic assessment developer;
   • The participation of authorities and organizations concerned.

2. Strategic assessment report

3. Decision making procedure:
   • The participation of authorities and organizations concerned;
   • The participation of the public concerned;
   • The report on result of participation of A/O concerned and public;
   • The evaluation of strategic assessment report;
   • The approval on the strategic assessment report.
SEA PROCEDURE

Screening
- Evaluation on the need of SEA, screening criteria (Annex I)
- Scope and the Decision on SEA with previously obtained opinion of the competent environ. protect. authority and authorities concerned

Scoping
- Content of SEA Report, including the conclusions reached in the process of SEA report elaboration, presented in the way understandable for public
- Report on participation of authorities and organizations concerned and public participation and transboundary consult.
- Takes into account the results of consultations.

Draft SEA Report (Environmental Report)

Participation of Authorities and Organizations Concerned and Public Participation

Decision and Information on Decision

Monitoring
- The program of monitoring of environmental status during the execution of P/P as a part of the SEA report
Integration of industrial accidents safety considerations into the land use planning via EIA

- EIA procedure is separate procedure, but the outcomes of this procedure (environmental protection measures) are an integral part of the technical documentation based on which is development consent issued.

- Development consent is not publicly available and it is necessary to amend the Law on Planning and Construction.
Investor

Request for screening

Screening Decision

EIA needed

Investor

Request for scoping

Determining EIA scoping

Scoping lasts 38 days

Public consulted

Appeal possible within 30 days

Comp. Authority

Investor has 1 year to prepare EIA report

Preparing the EIA report

Submission of the report to the Ministry

The CA has 49 days to review the EIA report

EIA Report review

Decision on approval (yes or no)

Public consulted

Appeal possible

Public consulted

Appeal possible (public concerned is entitled to initiate administrative court proceeding against the decision of the competent authority, within 30 days)

environmental protection measures are an integral part of the technical documentation based on which is development consent issued.

DEVELOPMENT CONSENT

Investor

Public consulted

Appeal possible within 30 days

Comp. Authority

Screening procedure lasts 33 days

Public consulted

Appeal possible within 30 days...
Integration of industrial accidents safety considerations into the land use planning via a separate assessment of industrial accidents safety

- Law on Environmental Protection defines that planning authority must take into account data, measures and conditions of prevention of major chemical accidents when developing spatial plans.
- Law on Planning and Construction defines that all environmental measures must be taken into account when spatial plans are developed.
- There is especially no the requirements regarding land-use planning around hazardous activities and it doesn’t contain a cross-reference to LEP.
LEP prescribes that spatial and urban plans shall ensure measures and conditions of environmental protection and in particular: defining areas to maintain appropriate distances between hazardous activities and residential areas, public areas and areas of particular sensitivity or interest for protection of human life and health and the environment.
Consequence based assessment (case by case) is used to define distances from the hazardous activity and the related use of the land.
Way forward

- The establishment of safety areas (zones) around hazardous activities envisaged.
- Consultation procedures are needed.
- Environmental impact assessment (projects) and strategic environmental assessments (plans and programmes) require similar procedures - providing for coordinated or joint procedures in order to fulfil the requirements regarding land use planning should be explored.
- Cooperation between land use and safety authorities to be improved.
THANK YOU FOR YOUR ATTENTION!