Chapter A2: Integration of SEA into plan & programme making

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

Protocol on SEA

draft 26-Apr-07

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- Plan & programme making, SEA & the links between them
- Practical approaches to integrating SEA into P/P making
  - Determining links between SEA & P/P making
  - Practical reasons for integrating SEA into P/P making
- Different options for applying Protocol during P/P making
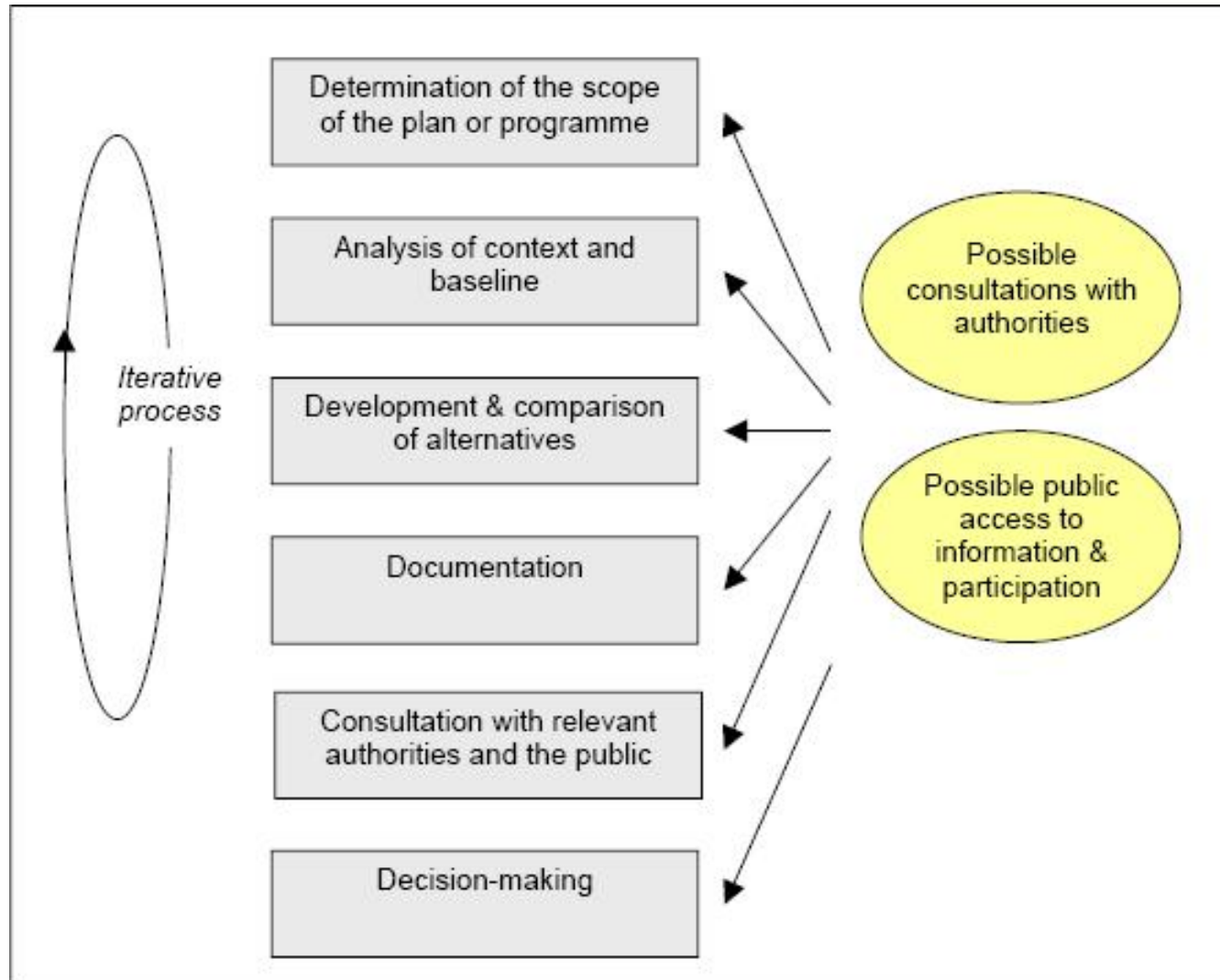
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- Usual tasks of P/P making
- Elements in the SEA of P/Ps (& why integrate)
- Logical links between P/P making & Protocol requirements

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Iterative process

Determination of whether SEA is required under the Protocol (see Chapter A3)

Determination of scope of environmental report (& thus of the assessment): article 6

Environmental report: article 7 & annex IV

Decision-making: article 11 (taking into account)

Monitoring: article 12

Consultation with authorities: article 9

Public participation: article 8

Transboundary consultations: article 10
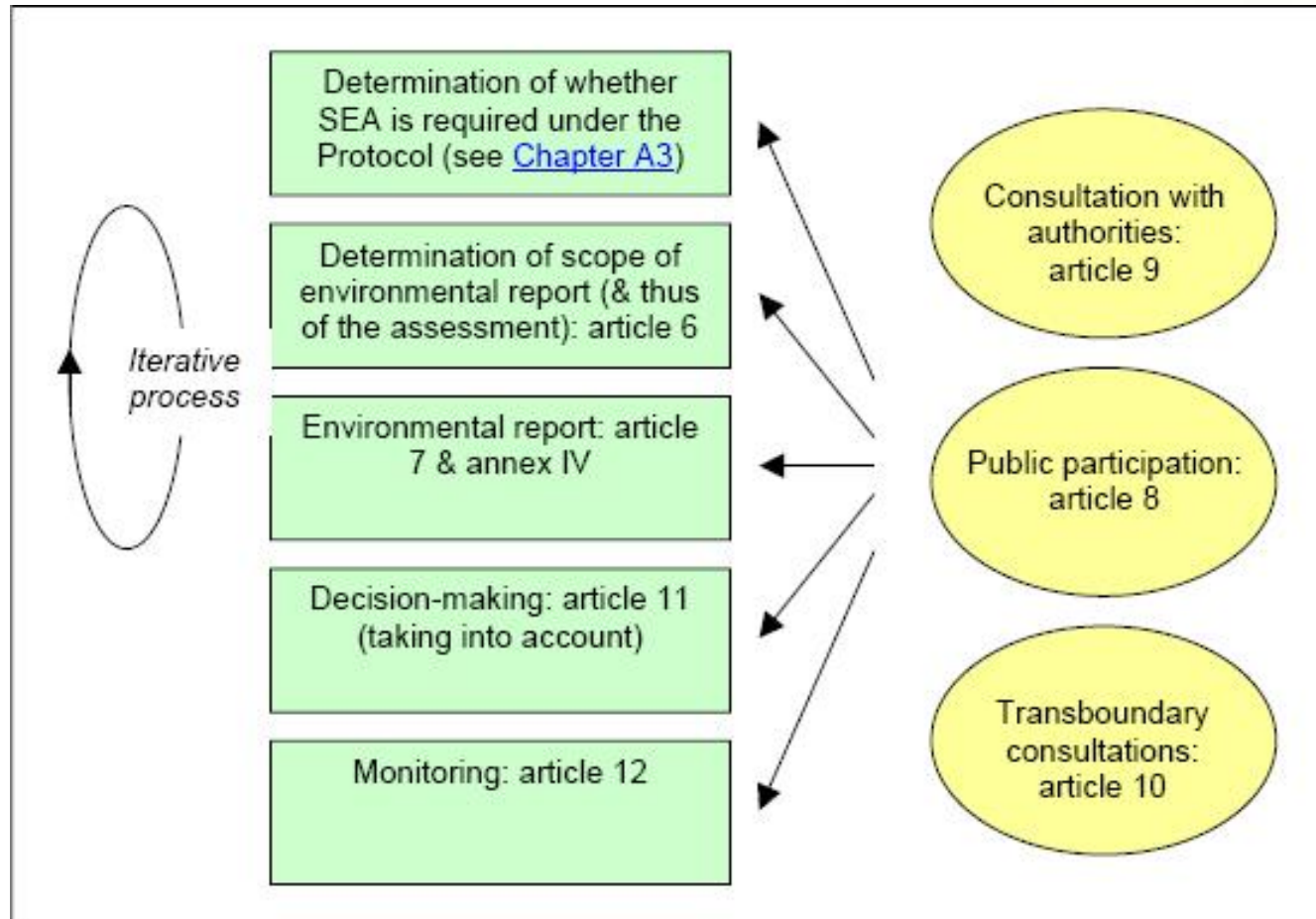
- Integration necessary if SEA to be proactive instrument, influencing P/P making, as Protocol requires:
  - Protocol preamble: SEA should have an important role in preparation & adoption of P/Ps, &, to extent appropriate, policies & legislation
  - Article 1, objective: to provide for high level of environmental protection by ensuring environmental considerations thoroughly taken into account in P/P development
  - Article 2.6 defines SEA as process stretching beyond evaluation of likely environmental effects to include taking into account environmental report & results of public participation & consultations in P/P
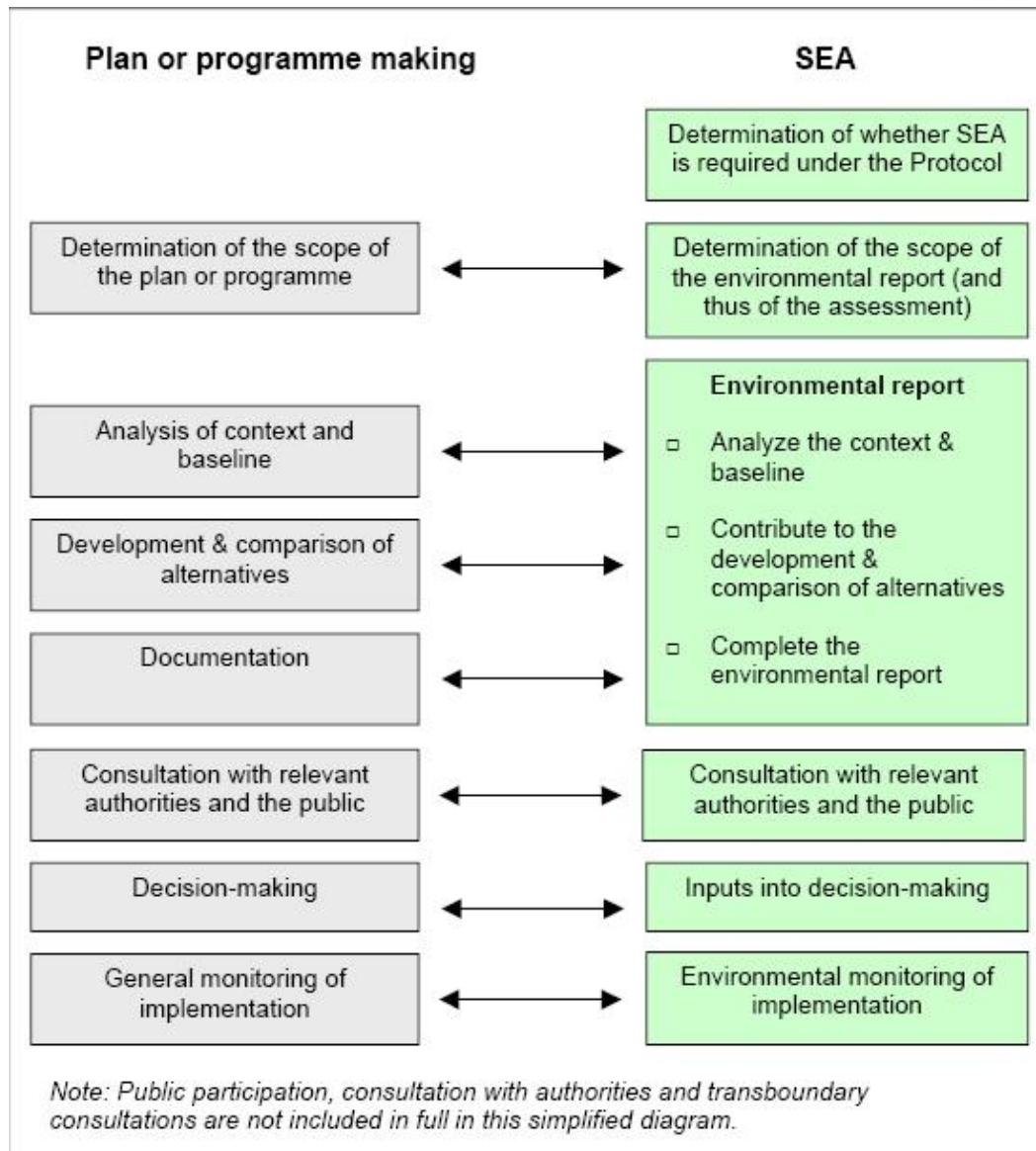 - …

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- Further, Article 11 requires due account taken of conclusions of environmental report when P/P adopted
  - But many conclusions:
    - environmental baseline relevant to P/P
    - environmental objectives in P/P
    - measures to prevent / reduce / mitigate negative effects
    - reasons for selecting alternatives of P/P
    - monitoring
  - Difficult to take all into account in single decision at end of P/P-making process
  - Various conclusions of environmental report might be considered during P/P development, as & when available, **and** due account taken when adopting P/P
  - Directive is clearer: its Article 8 requires environmental report & results of consultations be taken into account during P/P preparation & before its adoption / submission to legislative procedure

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Plan or programme making

SEA

Determination of whether SEA is required under the Protocol

Plan or programme making		SEA
Determination of the scope of the plan or programme	↔	Determination of the scope of the environmental report (and thus of the assessment)
Analysis of context and baseline	↔	**Environmental report** □ Analyze the context & baseline
Development & comparison of alternatives	↔	□ Contribute to the development & comparison of alternatives
Documentation	↔	□ Complete the environmental report
Consultation with relevant authorities and the public	↔	Consultation with relevant authorities and the public
Decision-making	↔	Inputs into decision-making
General monitoring of implementation	↔	Environmental monitoring of implementation

Note: Public participation, consultation with authorities and transboundary consultations are not included in full in this simplified diagram.
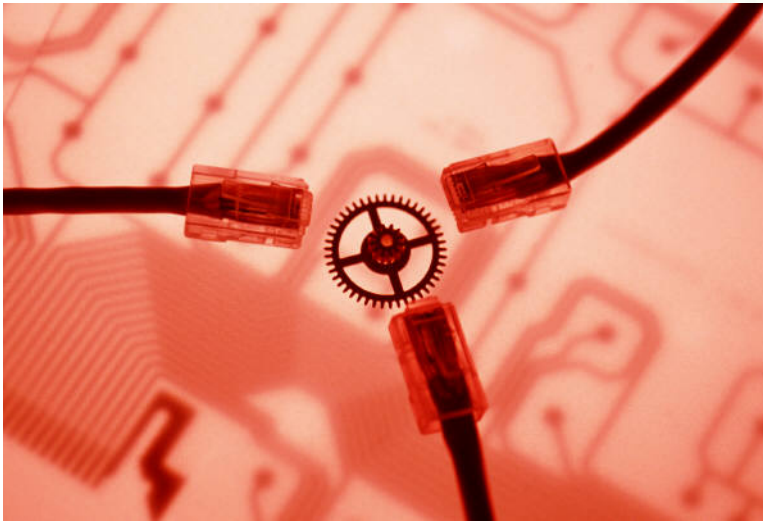
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- Determining links between SEA & P/P making
- Practical reasons for integrating SEA into P/P making
- Issues for consideration

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A2.3.1 Links between SEA & P/P making

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- Review of P/P-making process
  - Each P/P-making process is different
  - Optimal points for entry of SEA into P/P-making processes cannot be established without detailed knowledge of specific P/P-making systems
  - Review of P/P-making process possible on 2 levels
    1. Review of procedures – perhaps for design of SEA guidelines for particular P/P-making procedure
    2. Review of a process used to draw up specific P/P – perhaps for design of specific SEA approach in drawing up range of other P/Ps

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- Suggested focus of review
  - Formal/informal P/P-making logic & sequence of key P/P-making tasks
  - Any environmental analyses normally performed within specific P/P-making process
  - Consultation with environmental & health authorities within P/P making
  - Access to information & any provisions for public participation during P/P making
- Such review may offer useful insights for design of customized SEA processes that build on existing P/P-making tasks (not replacing or duplicating them)

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- Practical reasons beyond legal obligations
- Need effective instruments that assist rather than complicate P/P making
- SEA processes regarded as effective & efficient if
  – Enable effective consideration of environmental issues in P/P development
  – Assist in identification of conflicting views & interests & so increase credibility of decision-making
  – Do not unnecessarily prolong P/P making
  – Are not unreasonably costly

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- So, important to coordinate SEA with P/P making
- Goal is to ensure
  - SEA provides early & effective inputs into P/P making
  - environmental considerations thoroughly taken into account in P/P making
- In reality, SEA practitioners may be confronted with numerous challenges in achieving effective coordination, & ultimately integration, of SEA & P/P making

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- Proper use of logical links between P/P-making tasks & SEA tasks can help achieve one Protocol objective:
  - 'to ensure that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes' (art. 1(a)).

- Apparent logical links between P/P making & SEA only realized if practical links occur on following levels:
  - P/P development & preparation of environmental report
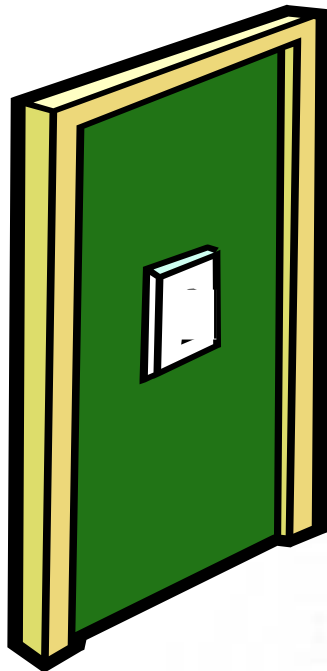 - Consultation with authorities
  - Public participation

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A2.3.3 (cont'd) Issues for consideration

- Links between P/P development & preparation of environmental report
  - Joint use of data
  - Joint inputs into development of relevant alternatives
  - Addressing P/P-making & environmental issues during comparisons of alternatives, in modelling (if any), etc.
- Links in consultation with authorities
  - Joint consultative processes for public authorities
  - Joint evaluation of comments obtained, etc.
- Links in public participation
  - Single system to facilitate public access to documentation
  - Single system for consultations with the public
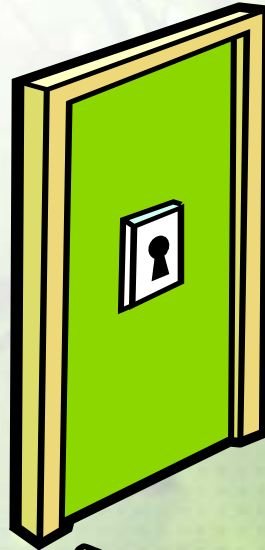 - Single system for evaluation of comments, etc.

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Problematic application: SEA that is ex-post & separated from P/P making

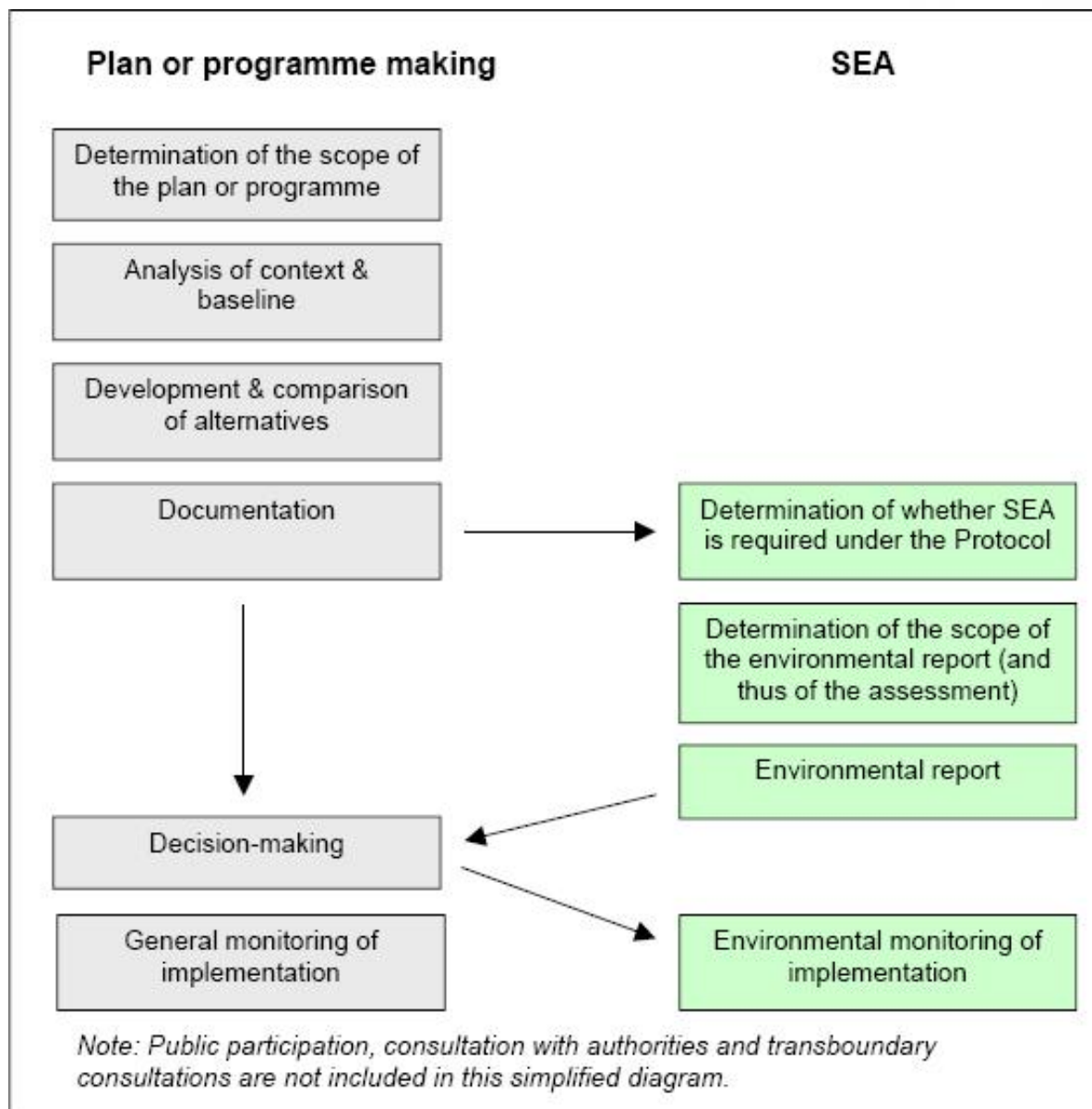SEA partially integrated into P/P making
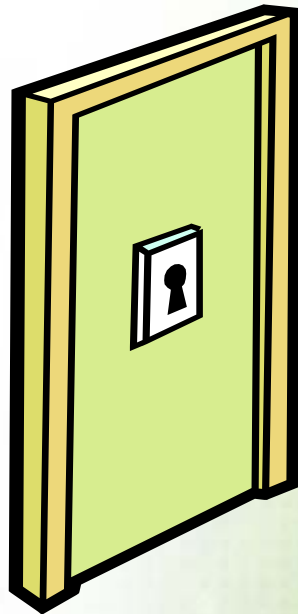
SEA fully integrated into P/P making

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Note: Public participation, consultation with authorities and transboundary consultations are not included in this simplified diagram.

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- Weaknesses:
  - Does not influence P/P development
  - May duplicate effort
  - May lead to duplication in commenting process & may confuse participating authorities & the public
  - Delays P/P-making process
  - Risk that SEA not in accordance with Protocol / Directive

- 'Ex-post' means 'Based on or determined by actual results, rather than expectations; calculated retrospectively' (OED)

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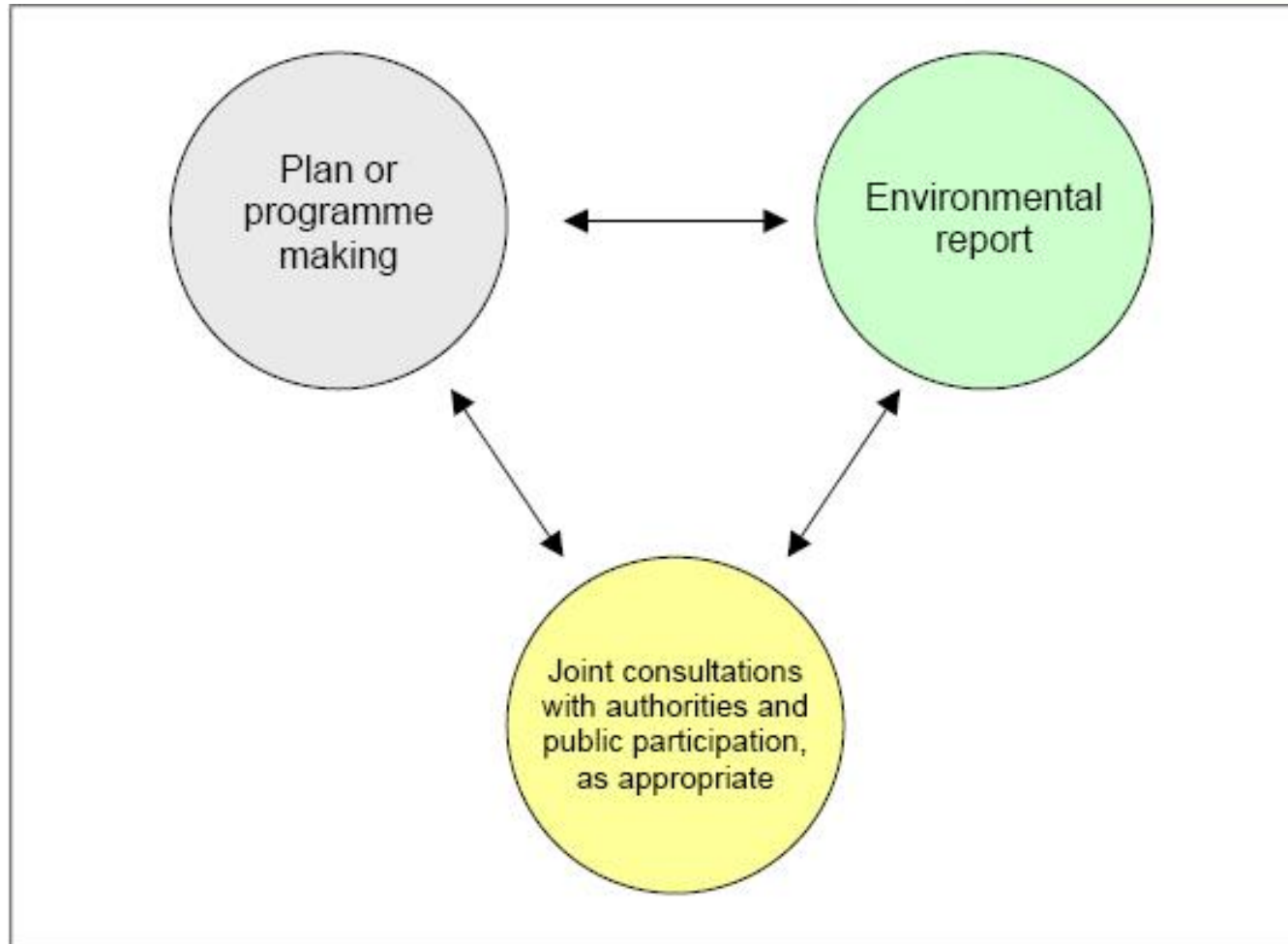
- Benefits:
  - Reduces delays
  - Saves resources
  - Early consideration of different viewpoints
    - minimize risk of late surprises & conflicts
  - Consultations may include relevant environmental & health authorities & the public (concerned)
  - SEA may be in accordance with Protocol / Directive

YES

- But, demanding of SEA team – has to follow entire P/P-making process (maybe non-linear, not on schedule?)

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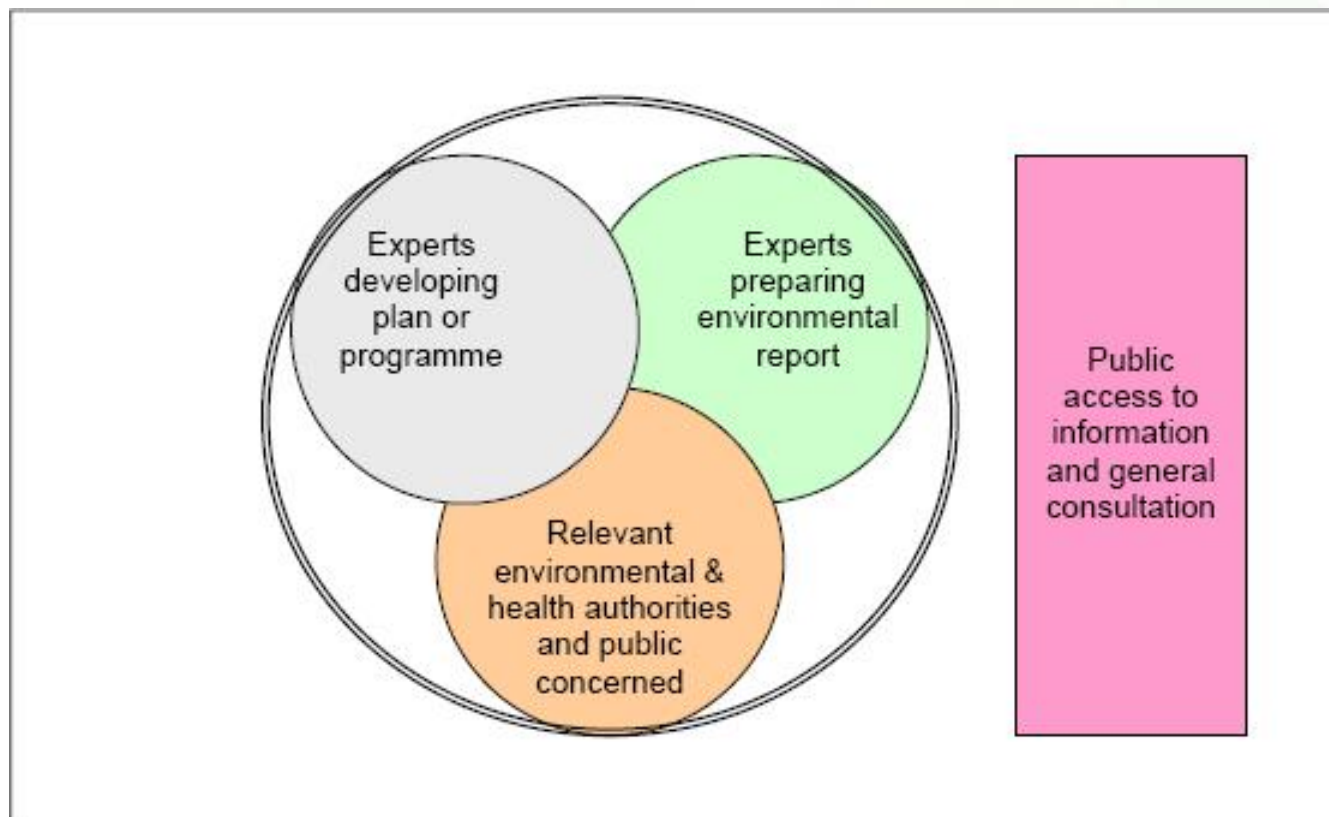
- Same benefits as partial integration of SEA into P/P making

- Plus creates optimal environment for cooperation
  - helps build trust between stakeholders

- Possible concerns that SEA experts may
  - become fully co-opted in P/P-making process, or
  - be marginalized, or
  - make trade-offs not publicly disclosed

- These concerns may be relevant for less well-governed & transparent P/P-making processes

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