gtz Rioplus
Environmental Policy and Promotion of
Strategies for Sustainable Development

Training Course on the Practical Application of the UNECE Protocol on Strategic Environmental Assessment

UNDP

EIA

gtz Rioplus
Environmental Policy and Promotion of
Strategies for Sustainable Development

inWent
Internationale Weiterbildung und Entwicklung gGmbH
Capacity Building International, Germany

commissioned by
Federal Ministry
for Economic Cooperation
and Development

Introduction to the training and backround materials

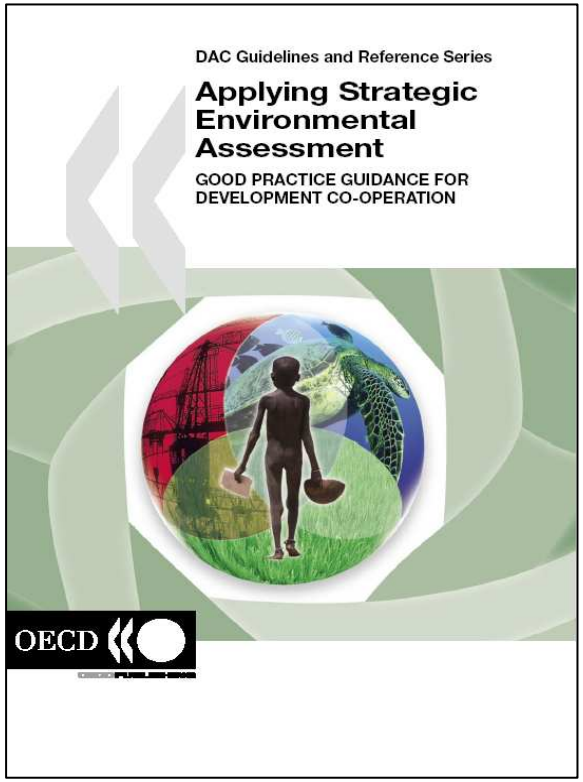
Objectives of the Training

1. To introduce concept and use of SEA and illustrate the process through a hypothetical case study;
2. To relate the lessons learnt from the case study to the participants' context and to train them how to apply it in their daily work;
3. To strengthen respective capacities to implement own SEA strategies and to cope with existing legislation.

Target Groups

- Administration officials and planners in environment, planning, sector ministries.
- National EIA consultants/experts
- NGO representatives
- Planners and consultants in environment, planning, and other sectors

Training Methodology



OECD Development Assistance Committee (DAC) Guidance: *Applying SEA. Good Practice Guidance for Development Co-operation, Paris 2006.*

SEA Capacity Development:

- "Non-blueprint approach"
- Outcome/result orientation
- Learning orientation

INCAE BUSINESS SCHOOL

Co-development of materials with branch of Harvard Business School

Acknowledgments

- This training package has been jointly elaborated by the UNECE, GTZ and UNDP

- It is based on Training manual ‘Strategic Environmental Assessment in Development Cooperation’ elaborated by GTZ and InWent

- It incorporates slides from the ‘Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment’ elaborated by the UNECE and REC (2007)

Credits

- The training was developed by Jiri Dusik, Alfred Eberhardt and Felipe Perez supported by GTZ (Harald Lossack, Axel Olearius and Jan-Peter Schemmel).
- The present set of PowerPoint slides was prepared by Jiri Dusik with inputs from Nicholas Bonvoisin (UNECE) and with further additional modifications from Martin Smutny (Integra Consulting Services Ltd.)
- The present fictitious case study on the Special Economic Zone in Laran has been prepared by Jiri Dusik

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- For further use
  - inform UNDP, UNECE and BMZ/GZ
  - make reference to the training manual and organisations mentioned above

What is Strategic Environmental Assessment (SEA) and why do we need it?

Why is SEA important

Many key decisions are no longer made on project level:

- Decision-makers increasingly cope with multiple and often closely interlined development interventions and projects
- Growing environmental pressures and shrinking natural resources call for strategic management

Key international developments in SEA

- SEA Directive in EU (2001) – implemented in EU member states
- SEA Protocol to UNECE Convention on EIA in Transboundary Context (2003)
- OECD/DAC Good Practice Guidance on SEA (2006) – endorsed by key donor agencies, and International Financial Institutions

Definitions of SEA

- As generally understood: SEA is a ***systematic & anticipatory process***, undertaken to analyze environmental effects of proposed plans, programmes & other strategic actions and to integrate findings into decision-making.

- ***In the Protocol on SEA***: SEA means the ***evaluation of likely environmental, including health***, effects, which comprises determination of scope of an environmental report & its preparation, carrying-out of public participation & consultations, and ***taking into account of*** the environmental report & the results of the public participation & consultations in a plan or programme (art. 2, para. 6).

Purpose of SEA

- To ensure environmental considerations inform & are ***integrated into strategic decision-making*** in support of environmentally sound & sustainable development
- Assists authorities responsible for plans & programmes (PPs), & decision-makers, to take into account:
  - Key environmental trends, potentials & constraints that may affect or be affected by PP
  - Environmental objectives & indicators relevant to PP
  - Likely significant environmental effects of proposed options & implementation of PP
  - Measures to avoid, reduce or mitigate adverse effects & to enhance positive effects
  - Views & information from relevant authorities, the public & (when relevant) potentially affected States

SEA can

- ***Only*** evaluate a proposed PP

  or

- ***Evaluate and*** provide inputs into developing a PP (so that it addresses environmental dimensions effectively).

Outcomes of SEA

SEA

- Identifies environmental constraints and opportunities for future development
- Helps to develop and compare alternatives
- Identifies the risks and potential costs of development options
- Defines the mitigation and enhancement measures to optimise development
- Can lead to (i) cross sectoral intervention and mitigation, (ii) institutional adjustments, and (iii) innovations to plans and procedures

Benefits of SEA

- SEA helps to prepare and implement good quality plans and programmes

- SEA shall
  - Analyze the environmental effects of proposed plans
  - Provide inputs to the decision-making

- SEA shall provide information on environmental effects to
  - Planners
  - Decision-makers
  - Public

Considering climate change

- To determine how climate change can affect actions proposed by the PP – i.e. its vulnerability to climate change impacts

- To assess whether proposed actions provides appropriate adaptation and mitigation measures related to climate change

Guiding principles for application

- Undertaken by the authority responsible for PP
- Applied as early as possible in decision-making process
- Focused on key issues
- Evaluates reasonable range of alternatives
- Provides appropriate opportunities for involvement of key stakeholders & the public
- Carried out with appropriate, cost-effective methods & techniques of analysis

Differences between EIA and SEA

EIA

- Takes place at end of decision-making cycle
- Reactive approach to development proposal
- Identifies specific impacts on the environment
- Considers limited number of feasible alternatives
- Emphasis on mitigating and minimizing impacts

SEA

- Takes place at earlier stages of decision-making cycle
- Pro-active approach to development proposals
- Assesses relevance to env. objectives, cumulative impacts
- Considers broad range of potential alternatives
- Emphasis on environmental mainstreaming

Costs of SEA

Costs of SEA

- SEA of regional & local land-use planning usually increased planning costs by 5-10% (EC study)
- Some good SEAs increased costs by less than 5%
- Costs depend on number & detail of alternatives

- Most require 70-80 person days to complete (UK study)
- But 'SEA was an effective use of time and resources‘

- Czech survey (2009): 50% of SEAs required about 2 – 10 person days time allocation from the planning authority side + conducting the assessment by external experts

Costs of SEA

- Main costs during initial applications of SEA
  - appropriate approaches & tools tested & developed
  - basic data sets compiled
- Subsequent SEAs less costly
  - build on previous experience
  - may require only standard analytical work & process management
- **Costs marginal compared with costs of PP implementation**

Protocol on Strategic Environmental Assessment (SEA) to the Espoo Convention

SEA Protocol

- United Nations Economic Commission for Europe
- SEA Protocol to the UNECE Convention on EIA in Transboundary Context (Espoo)
- Preparation/negotiation: 2001 – 2003 (ad-hoc WG chaired by Norway), signed in Kyiv 2003
- Ratified by 22 states and EU and entered into force on 11 July 2010
- Activities coordinated by the Secretariat (Geneva)

SEA Protocol – Preamble

- Key messages on SEA
  - Importance of ***integrating environmental considerations*** into the preparation and adoption of plans and programmes
  - SEA should have an important role ***in the preparation and adoption*** of plans and programmes
  - ***Health and wellbeing*** of present and future generations is taken into account as an integral part of SEA

Key requirements of the SEA Protocol (1)

- Determination of whether SEA is required under the Protocol
- Determination of the scope of the SEA report (and thus of the assessment)
- Undertaking assessment and preparing (SEA) report
  - Analyze the environemntal context & baseline
  - Contribute to the development & comparison of alternatives
  - Assessment cumulative effects, desing of mitigation measures and monitoring
- Consultation with relevant authorities and the public
- Inputs into plan elaboration and decision-making
- Environmental monitoring of implementation

SEA protocol – main aspects

- Stipulates general “rules” for SEA application
- MSs shall transpose the requirements considering the country specifics
- Focused on plan and programmes
- Environment: biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;

Tasks in SEA, its analytical, logical and critical issues for application

Usual analytical tasks in SEA (1)

- Review the planning process and identify key issues that SEA should advise on
- Identify relevant environmental issues (based on the objectives and nature of the PP)
- Analyse past trends for main issues and their future evolution should the PP not be implemented (env. baseline, zero-alternative)

Usual analytical tasks in SEA (2)

- Assess proposed development scenarios, objectives or priorities and contribute to their optimising
- Assess proposed development actions and contribute to their optimising
- Propose environmental management and monitoring system for implementation of the PP, addressing also main uncertainties in the assessment

Critical issues in effective SEA practice

- Link PP and SEA
- Use adequate analytical approaches
- Use effective means of participation
- Ensure sufficient management and monitoring in implementation of the PP
- Manage SEA efficiently within budgetary and time constraints

Determine if SEA shall be applied

Why is this important

- Not all PPs automatically require SEA, but only if they meet certain criteria.
  - Administrative / technical criteria
  - Significance of likely environmental effects
- Quite important for the efficiency of the overall SEA system in country
- Responsibility to perform screening - i.e. Deciding whether the plan or programmes requires SEA

Administrative and technical criteria (1)

"Plans and programmes" and <u>any modifications to them</u> that are:

(a) Required by legislative, regulatory or administrative provisions; and

(b) Subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government

Administrative and technical criteria (2)

Plans and programmes prepared for: agriculture, forestry, fisheries, energy, industry including , mining, transport, regional development, waste management, telecommunications, water management, tourism or land use.

which set the framework for future permitting of projects that require an environmental impact assessment under national legislation.

Questions for the case work:

Decide whether the proposed plan requires SEA under the Protocol:

- Is the plan prepared by a public authority or submitted to a public authority for aproval?
- Does it cover some of the sectors listed in the SEA Protocol?
- Does it set framework for projects that require EIA under national legislation?
- Can it lead to significant (adverse or beneficial) environmental impacts?

- Who should determine whether the plan requires an SEA and how in your own country?
- What problems would you see when conducting screening in your own country?

Concluding remarks

- Focus your SEA system to PP having likely ***significant*** effects!

- The name of the document is not sufficient guidance – many so-called ‘plans and programmes’ will not require SEA, while some so-called ‘policies’, ‘strategies’, ‘projects’, ‘concepts’, ‘laws’, ‘regulations’ and so on, will.

Example: Scope of SEA application in the Czech Republic

- SEA is ***routinely applied*** on "concepts"
  - National level e.g. National Energy Policy, National Development Plan, etc.
  - Regional level e.g. Regional development strategies, Regional energy policies, Regional waste management plans, Regional transport policies, etc.
  - Any concepts where a risk of negative impact on NATURA 2000 site cannot be ruled out

- ***Screening*** is applied on "concept"
  - Local level i.e. development plans of major municipalities and local land use plans (and their changes)
  - Changes and modifications of existing concepts

Determine the right issues and scope of assessment

Aim of this task

- To define relevant environmental issues that should be considered when assessing the PP
- To consult the relevant authorities and hence ensure that the SEA is focused on their main concerns

Protocol – Article 6 (scoping)

- Each Party shall establish arrangements for the determination of the relevant information to be included in the SEA report
- Each Party shall ensure that the environmental and health authorities are consulted in this process
- 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.

Tools

- Expert judgment - ad hoc reviews to determine specific environmental issues that are important in the current development context
- Checklists of possible env. impacts that are usually associated with interventions proposed in the PP
- Consultations – gathering opinions of the relevant authorities

Questions for the case work

- What are the most important environmental concerns about the plan or programme and why?
- What are the key questions that the assessment should answer?

- Who should determine these issues and how?
- Which environmental and health authorities should be consulted during this step?
- Could this stage be linked to any already existing procedure in your country?

Concluding remarks

- keep your final set of issues simple and focused on main “strategic” concerns
- do not use it as a rigid process – you may add/skip issues later on once you have more data
- where possible involve planners, environmental authorities and other key stakeholders in this task

Analyze the baseline trends (zero alternative)

SEA Protocol

SEA should analyze:

- The current state of the environment and its likely evolution should the plan or programme not be implemented [Annex IV, item 2]
- The characteristics of the environment in areas likely to be significantly affected [Annex IV, item 3]

Practical aspects

- ***Description*** vs. ***Analysis***
  - Focus on relevant issues
  - Identify driving forces behind the apparent trends
  - Try to estimate likely future development if the proposed PP is NOT implemented – Zero Alternative/ Business as Usual scenario

Aims of the baseline analysis

- Describe the past trend (overall trend and key concerns) for all environmental issues that SEA focuses on
- Outline the likely future evolution of this trend if the proposed PP would not be implemented (i.e. consider impacts of other planned development initiatives **and climate change**)
- Identify any constrains and opportunities that these trends pose for the respective PP
- Document any serious lack of information

Questions for the case work

- How would you, given the data below outline the future baseline trends for NOx based on the expected future changes in regional transport, if the trends goes as expected and the SEZ is *not* implemented?

- How would you conduct the analyses of baseline trends in your own country?
- What would be the biggest challenges in doing this analysis correctly and what practical tips would you have for this?

Baseline trend can be analyzed through ...

- Story-lines that describe overall trends, their main drivers, territorial dimensions and key concerns and opportunities arising from them;
- Maps showing spatial development patterns; and
- Simple or complex graphs

Future trends without the proposed PP can be outlined...

- using terms such as “strongly suspected” or “suspected’ (e.g. IPCC 2007).
- using the best-case and worst-case scenarios illustrating possible extremes that may reasonably occur under different assumptions.
- semi-qualitatively: e.g. “trend may grow but it is unlikely to exceed a certain limit”

Concluding remarks

- Analyzing future ***trends without implementation*** of the PP is difficult but a very important part of any strategic assessment
- Baseline analysis serves as a ***background against which the future impacts of the PP implementation can be measured***
- Should be focused ***and analytical*** (avoiding extensive description of non-relevant facts)
- ***Provides information*** to the developer, decision maker and the public on the situation in the concerned territory and highlights the key environmental concerns

Concluding remarks

- Analyzing future trends without implementation of the PP is difficult but a very important part of any strategic assessment
- It will provide useful insights and make following tasks in the SEA easier
- Do not be afraid of uncertainties – just properly acknowledge them

Assess proposed development objectives and elaborate their alternatives

Aim of analytical task

- To analyze positive and negative impacts of proposed development objectives (priorities or scenarios) on the main environmental trends

- To check whether opportunities are sufficiently used
- To check whether risks are properly understood
- Recommend how the proposed development objectives (priorities or general scenarios) can be optimized

Considering climate change

- How the PP contributes to climate change
- How climate change – its consequences – can affect the PP – its priorities, objectives, scenarios!!!
- To analyze if and how the proposed development objectives, priorities and scenarios take into account hazards and risks related to the effects of climate change.

Why is it important

- Enables optimizing proposed development objectives or priorities of the PP (through different approaches for achievement of objectives or suggestions for adaptation of objectives)

- When done concurrently with the PP elaboration, it may recommend orientation or conditions for elaboration of future activities (i.e. conditions for further elaboration of the PP)

! Not a formality – proposed objectives/priorities/ scenarios are important since they orient and influence future thinking about proposed activities

Tools (2)

Impact matrices

	Relevant environmental issues/objectives				
Proposed objective, priorities	- -	-	N/A	+	++
	Key features of impact				
Impact features: Direct/indirect; Magnitude (local, regional, national); Severity (very negative – very positive), Duration (long-term, short-tem); Reversibility					

Case work exercise

- What main conflicts between the relevant environmetnal objectives and proposed development objectives have you identified?
- Do you think it such overal analyses may help shape the future development alternatives if undertaken early enough?

- Did you find the technique in the case work appropriate – what would work better in your practice?
- Are such overall analyses part of any planning or assessment procedure in your country? Do you think they could be usedd more widely?

Practical suggestions

- In certain cases you might not use only symbols – try to explain main features of impacts

- Where possible involve:
  - planners (it may influence their future thinking in the formulation of the PP) and
  - key stakeholders in this analysis (they may provide useful insights)

- Do not forget that the purpose of this analysis is to **provide suggestions for optimizing** development objectives and priorities

Concluding remarks

- If you found any significant gaps in official env. objectives, you may inform relevant env. authorities that certain objectives do not provide sufficient guidance
- you may also suggest improvements of existing environmental objectives based on the lessons learned in the SEA

Assess proposed actions in the PP and their alternatives

Aim of analytical task

- To assess env. positive and negative impacts of proposed actions with the significant effects on the relevant env. issues and trends
- To provide inputs into optimizing of proposed activities through their reformulations or by defining conditions for their implementation
- To summarize the likely cumulative impacts of mutliple proposed measures on each specific environmental trend and suggest possible additional actions for managing these cumulative impacts

Why is it important

- It helps **optimize** actions
- It defines conditions for implementation of these actions which might also help to link SEA with **future EIA/assessments of projects**
- Determination of key risks/uncertainties helps to focus monitoring and management systems for the PP on key issues
- All these assessments provide basis for **assessment of cumulative impacts**

Relevant requirements of the Protocol (1)

The effects should include likely significant positive & negative environmental and health effects which can be:

- direct or secondary,
- cumulative, synergistic,
- short-, medium- and long-term,
- permanent or temporary

Relevant requirements of the Protocol (2)

The criteria for determining the significant of the likely expected effect (see Annex III) require consideration of :

- The nature of the environmental, including health, effects such as probability, duration, frequency, reversibility, magnitude and extent (such as geographical area or size of population likely to be affected).
- The risks to the environment, including health.
- The transboundary nature of effects.
- The degree to which the plan or programme will affect valuable or vulnerable areas including landscapes with a recognized national or international protection status.

However, SEA is not a PhD study …

- SEA report needs to contain information that may reasonably be required, taking into account:
  - Current knowledge and methods of assessment;
  - The contents and the level of detail of the plan or programme and its stage in the decision-making process;
  - The interests of the public; and
  - The information needs of the decision-making body.

Assessment should indicate

- Nature and relevance of general environmental and health impacts of proposed actions – by reflecting also their magnitude, probability, scale, frequency/duration, reversibility and main uncertainties in your assessment,
- measures to minimize negative and to maximize positive effects (mitigation measures)
- adaptation measures (climate change)
- possible improvements through relevant alternatives,
- conditions for implementation and/or the basic issues that should be addressed by any further assessments (e.g. EIA) if this action is carried out further

Tasks for the case work

- Identify those proposals in the plan that may have significant impacts on the given environmental trend.
- How would you get information about their impacts and possible mitigation measures?
- Is it acceptable to use terms such as ‚very probable‘, ‚strongly suspected‘, ‚likely under certain circumstances‘ in expert work in your country?
- Would general information on key risks be sufficient to suggest preventive measures based on the precautionary principle in your country?

Assessment tools

Main tools:

- The same tools as for the assessment of development objectives (ad hoc expert judgments, checklists, matrices, etc.)
- Overlay maps/ GIS (help identify territorial impacts of investment projects)

- Many other techniques exist (though less frequently applied) – see next slide

- Use of many methods depends on quality of input data
- Quantitative assessment based on poor input data or weak prediction techniques are dangerous – generate confidence and may mislead judgments

SEA stage	**SEA technique** (see Therivel, 2004)								
	expert judgement	public participation	statutory consultations	impact matrix	Mapping or GIS	network analysis, causal chain	modelling	sensitivity analysis	compatibility app
Links to other plans etc.	70	19	55	5	5	0	0	0	7
Baseline description	72	27	53	5	32	0	0	0	0
ID of env/sust problems	70	32	52	8	11	2	0	1	4
SEA framework*	65	28	56	10	7	4	1	3	0
Appraise options	33	19	22	20	3	2	0	4	10
Consult on options*	20	18	28	6	2	1	0	2	3
Impact prediction	18	5	9	12	6	2	0	0	0
Impact evaluation	18	5	9	12	6	1	0	0	0
Impact mitigation	19	3	7	4	2	1	0	2	2
Monitoring proposals	15	1	2	0	0	0	0	0	0
Preparation of SA/env report	17	3	5	3	1	0	0	0	1
Consultation on report	6	11	9	1	0	1	0	0	0
Appraisal of plan changes*	6	2	2	1	0	1	0	0	0
Decision making + information	5	3	3	0	0	0	0	0	0
Monitoring	6	2	2	0	0	0	0	0	0
Response to monitored effects	6	1	2	0	0	0	0	0	0
Total	446	179	316	87	75	15	1	12	27

Source: Therivel, R. and Walsh, F. (2005) The Strategic Environmental Assessment Directive in the UK: One year onwards. Environmental Impact Review, 26(7):663-675.

Concluding remarks (1)

- Do not forget to analyze impact on long-term trends (e.g. do not focus on short-term impacts only)
- Remember that the purpose of this analysis is to determine whether the proposed actions should be optimized and how this can be done
- Where possible involve planners and key stakeholders - they may have useful insights and propose creative solutions

Concluding remarks (2)

- Activities may be proposed in form of:
  - specific projects - e.g. infrastructure or
  - general measures (legislative, administrative or economic) to support change in behaviour of legal and physical persons - e.g. development of new products and services, certification, etc.
- Do not limit assessment only to specific projects – even general measures may lead to risks or opportunities
- Always try to search for win-win options

Ensure sufficient management and monitoring during implementation of the PP

Relevant requirements of the Protocol

Article 12 (Monitoring) requires:

- monitoring of the significant environmental effects of the implementation of the adopted plan or programme (art 12.1).
- monitoring results to be made available to the relevant environmental and health authorities and to the public (art. 12.2).

- The only explicit reason given for monitoring is to identify, among other things, unforeseen adverse effects and to enable remedial action to be taken (art. 12.1).

Monitoring system for implementation

- Key env. trends shaped by many factors - legislation & enforcement, economic development, multiple projects, various PP, etc.
- Impacts (attribution) of PP to certain trend is often unclear
- Monitoring of impacts of the PP generally quite difficult
- Monitoring is impossible without focusing on effects of individual actions that are implemented as result of the PP
- Monitoring should be realistic and as simple as possible

Considering climate change

- Monitor not only climate change, but also
  - its effects
  - effectiveness of mitigation and adaptation measures

Example: Operational Programme Enterprise and Innovations

- SEA suggested 15 environmental indicators / criterions for projects
- Implementing authority selected 5 (the most relevant to the programme – CO2 emission, energy efficiency etc.)
- Each project can get 10 “bonus” points for environmental criterions (10% from overall scoring)

Environmental management system for implementation I

- Preliminary ToRs (key issues and alternatives to be considered) in future SEAs - if the PP triggers development of another PP
- Preliminary ToRs (key issues and alternatives to be considered) in future EIAs - if the PP triggers specific projects that will require EIA
- Guiding notes for decision-making on subsequent actions - if the PP triggers specific projects that will not require EIA but yet may have significant effects

Environmental management system for implementation II

- Recommendations for future institutional arrangements for implementation (e.g. Environmental authorities part of management committee)
- Budgeting arrangements might be of utmost importance for influencing implementation
- Reflection of environmental issues addressed within the SEA in the reporting & monitoring systems

Practical suggestions

Once recommendations (ToR, Guiding Notes etc.) were formulated for all actions, consider what needs to be done for their proper reflection in terms of:

- Institutional arrangements (coordination, supervisions)
- Capacity development for sound implementation of this system

Questions

- What are the existing system(s) for general monitoring of the environment in your country?
- Who should coordinate monitoring of environmental effects during the implementation of specific PPs?

Preparation of the SEA Report

Relevant requirements of the Protocol (1)

Annex IV (contents of the SEA Report)

1. The contents and the main objectives of the plan or programme and its link with other plans or programmes.
2. The relevant aspects of the current state of the environment, including health, and the likely evolution thereof should the plan or programme not be implemented.
3. The characteristics of the environment, including health, in areas likely to be significantly affected.
4. The environmental, including health, problems which are relevant to the plan or programme.
5. The environmental, including health, objectives established at international, national and other levels which are relevant to the plan or programme, and the ways in which these objectives and other environmental, including health, considerations have been taken into account during its preparation.

-/-

Relevant requirements of the Protocol (2)

6. The likely significant environmental, including health, effects.
7. Measures to prevent, reduce or mitigate any significant adverse effects on the environment, including health, which may result from the implementation of the plan or programme.
8. An outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken including difficulties encountered in providing the information to be included such as technical deficiencies or lack of knowledge.
9. Measures envisaged for monitoring environmental, including health, effects of the implementation of the plan or programme.
10. The likely significant transboundary environmental, including health, effects.
11. A non-technical summary of the information provided.

Communication to decision-makers

- SEA is only as good as its results are reflected by the decision-makers
- For final recommendations use the language of decision-makers
- Don‘t extend too much on technical details
- Don‘t focus on problems but solutions
- Emphasize potentials of more sustainable solutions

Link SEA with the elaboration of the PP

Why is this issues crucial

- To ensure that SEA provides inputs early enough and in appropriate form to be used in the formulation of the PP
- To maximize cooperation with the planners -> saving time and resources for undertaking SEA
- To ensure that SEA is effective and meets its purpose

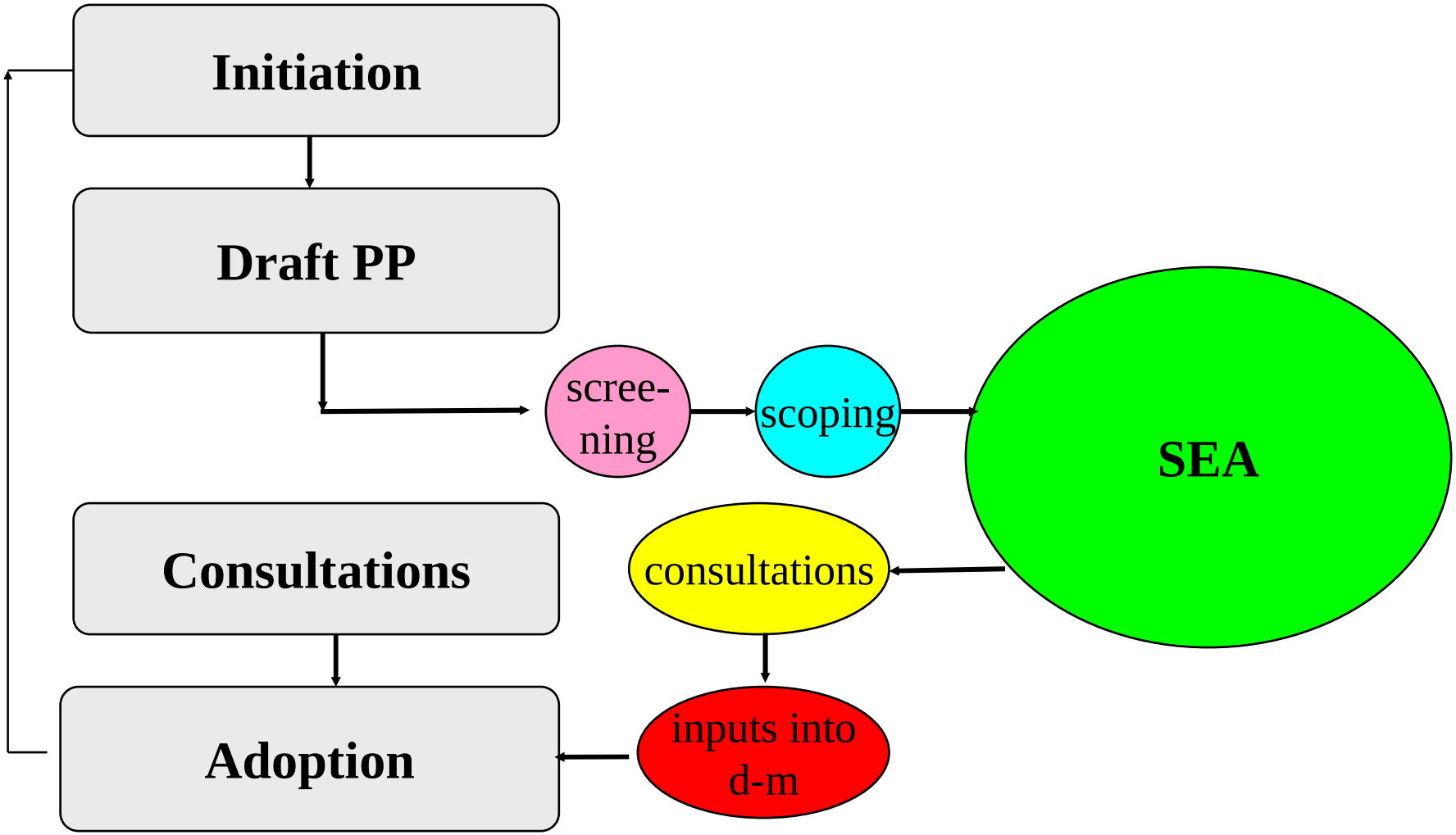
Options for applying Protocol during PP making

- SEA once the draft PP is ready (Problematic application)
- SEA parallel to PP elaboration
- SEA fully integrated into PP making

SEA once draft PP is ready

- SEA is carried out as a separate process and/or ex-post assessment of the (draft) PP
- SEA report perceived as an "environmental review/ audit of the PP"
- SEA should be quick to be able to influence decision-making
- SEA should focus on decision-makers and provide clear, short recommendations to them
- Consideration of alternatives and meaningful changes in the PP very difficult

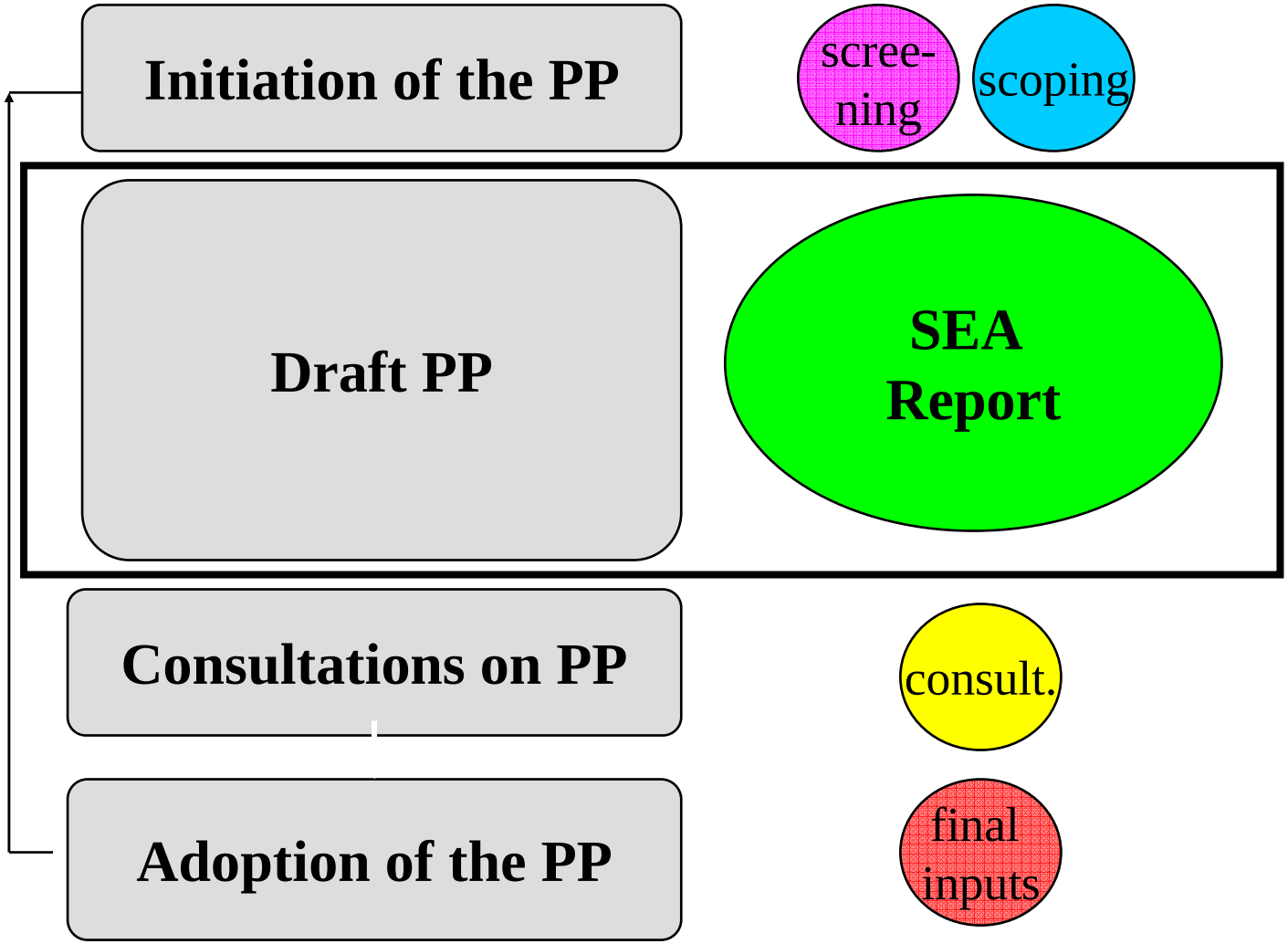
SEA once draft PP is ready



SEA parallel to PP elaboration

- SEA experts work separately but concurrently with the planners.
- Various assessments/inputs presented to the planning team during elaboration of PP - briefing notes in the various stages of the PP formulation
- Does not necessarily prolong elaboration of the PP.
- Requires effective communication between planning team and SEA team (e.g. leader of the SEA participates as observer on the sessions of the planning team and vice versa).
- SEA report brings all this information together and summarizes key open issues for decision-making

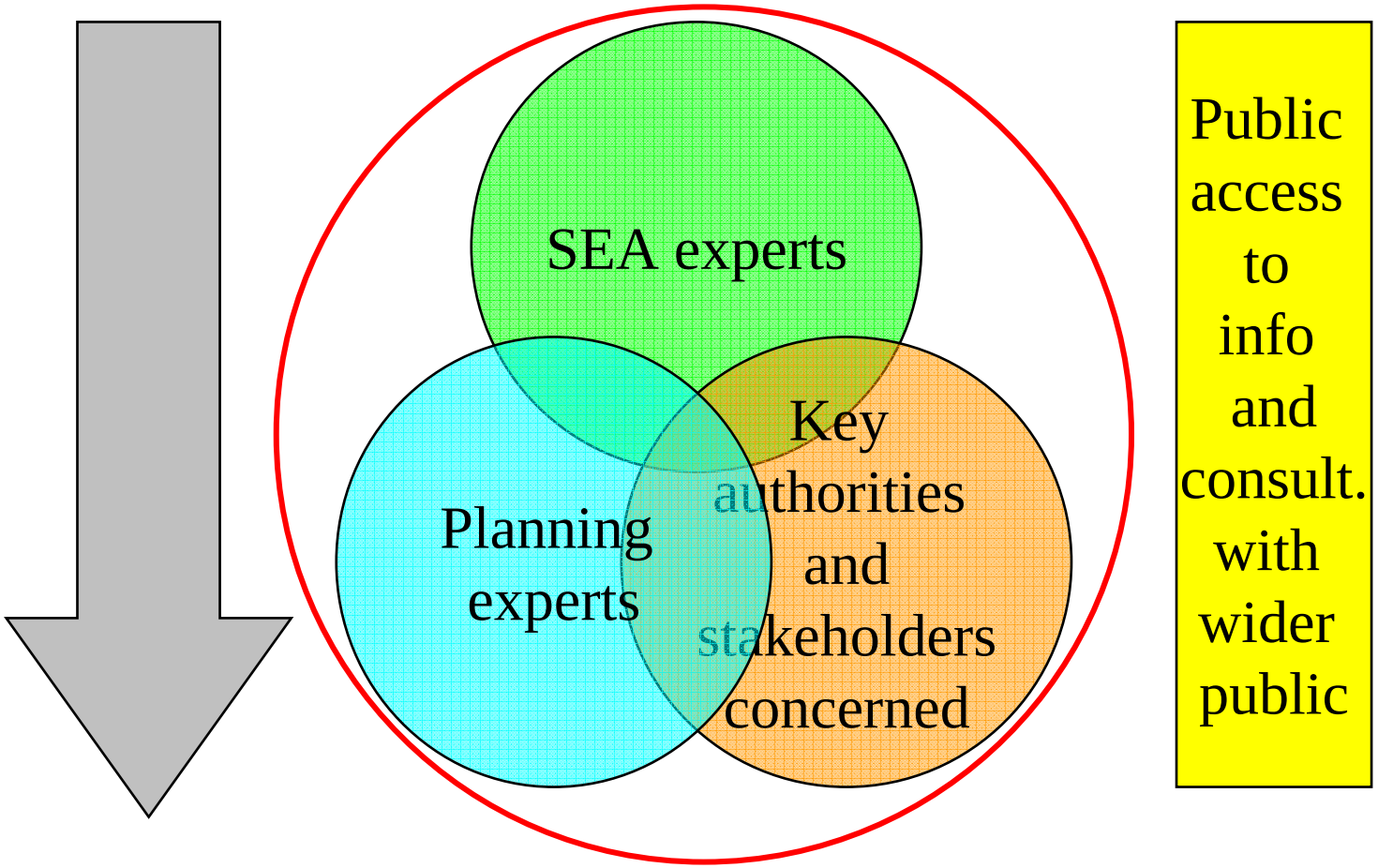
SEA parallel to PP elaboration



SEA fully integrated into PP formulation

- SEA expert are an integral part of the planning team.
- SEA experts draft key questions – they jointly carry out various assessments with planners
- Facilitates elaboration of the PP
- Increases understanding of SEA among planners
- SEA experts need a clear mandate and role within PP team
- Systems for review of conflicting views need to be in place
- Requires effective internal communication with the planning team.
- SEA report documents the entire assessment process

SEA fully integrated into PP formulation



Questions for the group work

- What is in your view the best arrangement for conducting the SEA (separate, parallel, integrated to planning) and why?
- Do you think that SEA can be integrated into the usual planning procedures in your own country? Why?
- Who should coordinate SEA processes and planning?

Use effective means of participation

Principles of effective participation

- SEA is more than expert evaluation. It is a participatory process.
- Public should be involved at least during the review of SEA report.
- However, SEA scoping and key analyses during SEA may also very much benefit from public inputs.
- Participation in SEA should use techniques that enable resolution of problems rather then mere exposure of conflicting views.

Benefits of participation

- Supports „better“ decisions in the sense that all possible aspects and views are considered.
- Provides important information for SEA and decision-making (e.g. from groups affected by the PP or living in the relevant environment)
- May build up public support for implementation of the PP.

Relevant requirements of the Protocol (1)

Public concerned, including relevant NGOs has:

- to have opportunity to express opinion on draft PP & environmental report within reasonable time frame
- to be identified – not the public in general

Detailed arrangements for informing public & consulting public concerned has to:

- be determined & made publicly available
- take into account annex V (see the next slide)

Relevant requirements of the Protocol (2)

Annex V ('notification' about public participation arrangements)

- The proposed plan or programme and its nature.
- The authority responsible for its adoption.
- The envisaged procedure, including:
  - The commencement of the procedure;
  - The opportunities for the public to participate;
  - The time and venue of any envisaged public hearing;
  - The authority from which relevant information can be obtained
  - The authority to which comments can be submitted
  - What environmental, including health, information relevant to the proposed plan or programme is available.
- Whether the plan or programme is likely to be subject to a transboundary assessment procedure.

Practical approaches for participation

- Determination of the scope of the SEA should also determine key stakeholders to be consulted
- Characteristics of stakeholders will define methods of communication.
- Prepare a communication plan at the beginning of SEA.
- If necessary explain the nature of SEA to relevant stakeholders so that they can better undertand it

Public and other stakeholders

- Depending on the:
  - Character of the PP (i.e. if it contains specific projects etc.)
  - Geographical area / sector covered by the PP
  - Planning process

- Groups to be involved
  - Residents and land-owners
  - NGOs
  - Experts and academics

Use of outcomes

- Used for improving the SEA and proposed PP
- All comments received must be recorded and the responses published
  - summary in the environmental report
  - ideally already during the SEA (web, draft report etc.)
- Explanation why the comments haven't been integrated must be provided

Questions for the case work

- Would you carry out SEA as internal process or would you consult some of these stakeholders?
- If you carry out consultations, which stakeholders would you consult?
- When and how would you consult them?
- Would you hold such consultations jointly with the planning team or separately?

Transboundary consultations

Requirements of the SEA Protocol (1)

Article 10 – Transboundary Consultations

1. Where a Party of origin considers that the implementation of a PP is likely to have significant transboundary environmental, including health, effects or where a the likely to be affected Party so requests, the Party of origin shall as early as possible before the adoption of the PP notify the affected Party.

2. This notification shall contain among other things:
   a) The draft PP and the environmental report including information on its possible transboundary environmental, including health, effects; and
   b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.

Requirements of the SEA Protocol (2)

3. The affected Party shall, within the time specified in the notification, indicate to the Party of origin **whether it wishes to enter into consultations** before the adoption of the PP … the Parties concerned shall then enter into consultations concerning the likely transboundary environmental, including health, effects and the measures envisaged to prevent, reduce or mitigate adverse effects.

4. Where such consultations take place, the Parties concerned shall **agree on detailed arrangements** to ensure that the **public concerned and the authorities** in the affected Party are informed and given an **opportunity to forward their opinion** on the draft PP and the environmental report within a reasonable time frame.

Questions for discussion

- Is the proposed PP likely to have any significant transboundary effects?

If so,

- When would you suggest to start the transboundary consultations?
- Which documents would you suggest to provide to the affected Party?

Wrap-up questions

- Which institution(s) should coordinate transboundary consultations in your country?
- Can you identify relevant institution(s) / organization(s) in neighboring countries?
- What obstacles / problems you can expect?

Decision-making

Requirements of the SEA Protocol (1)

Article 11 – Decision

Decision-maker must **take into account**

- **conclusions of environmental report**
  - including measures to prevent / reduce / mitigate adverse effects of various PP alternatives
- **opinions expressed by**
  - relevant environmental & health authorities
  - the public concerned
  - any affected Parties

Requirements of the SEA Protocol (2)

Following PP adoption, decision-maker must **inform**

- relevant environmental & health authorities
- the public (not just the public concerned)
- any affected Parties

Adopted PP must be made available, plus a statement:

- Summarizing how environmental considerations (in environmental report) integrated into adopted PP
- Summarizing how their opinions (of authorities & 'the public concerned') have been taken into account
- Summarizing reasons why PP adopted in light of reasonable alternatives considered

Some practical considerations

- In adopting PP, decision-maker might take into account, in particular:
  - Compatibility of the proposed PP with relevant environmental objectives
  - Residual environmental effects

- Some elements of SEA process may be integrated within PP-making process
  - Some SEA analyses may inform entire PP-making process
  - Draft PP might explain how SEA influenced PP-making process (see section on linking the SEA with the elaboration of the PP)

Wrap-up questions

- What it the legal power of SEE in your country? What are pros and cons?
- What should be a mandate of SEA when introduced in your country? How it can be linked to existing procedures?

Manage SEA efficiently within budgetary and time constraints

Aim of the task

- To plan SEA
- To draw conclusions on required resources for performing SEA
- To adjust SEA approach to available resources and opportunities for influencing decision-making

Issues to consider (1)

Macro management (process design)

- How SEA links to elaboration of PP
- Key authorities and public to be consulted
- Specific analyses to be performed during SEA and their linkage to the planning tasks
- Approximate time and resources for each task and the whole SEA (including contingency)

Issues to consider (2)

Micro management (internal management)

- What expertise is needed for SEA
- How should SEA team communicate with the PP team
- Budget breakdown
- How to cope with unforeseen changes in the planning process

Questions for the case work

- The Ministry of Economy asked you to support assessment of environmental impacts of the SEZ and gave you 10.000 USD and 6 months of time for it.
- What would you propose to do within the time and resources available for this task? Be realistic.

- What would be realistic sources of financing and time available for conducting SEA in your country?

Main principles

- De-monsterize SEA! Search for the best way to influence decision-making even if it is not a ‚full-fledged SEA‘
- Don‘t insist on ‚blue-print approaches‘ if it becomes clear that they will not be influential

Introducing SEA system and developing capacity for it

Capacity development actions

- Guidelines and professional training – to guide SEA for specific types of planning/programming processes
- Pilot projects – to test and develop SEA methods in real-life situations and to establish precedents of good SEA practice
- Promotional materials - to explain benefits of SEA to planners and policy-makers
- Professional networking - to establish professional benchmarks for good SEA practice
- Periodic evaluations – to review effectiveness (e.g. annual conferences, etc.)

Capacity development strategy

- Strategy instead of ad hoc interventions
- Legislation does not guarantee good SEA practice

- SEA capacity building strategy can:
  - build critical mass of promoters of good SEA practice
  - be agreed with key stakeholders (future users of SEA procedures)
  - facilitate in-country policy discussion on SEA

Introducing SEA system in your country

- Preconditions for successful introduction of SEA
- Main challenges to developing SEA system
- What could be done to encourage development of SEA system – be realistic – not a wish list!

Evaluation of the training

Questions for discussion

- How did the methodology work?
- How does the training contribute to the understanding of the concept and use of SEA?
- What should be modified or could be improved?

Thank you very much!