Introduction of the SEA directive 2001/42/EC in three countries: Sweden, Iceland and England’

Belgrade Initiative on Strategic Environmental Assessment
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  - Participated in the development of the voluntary application of SEA; pilot study on SEA, preparation of the draft guidelines.
- Worked at the Swedish Nuclear Power Inspectorate, 2007-2008
  - Defended at the Blekinge Institute of Technology, October 2008.
Thesis: The introduction of the SEA directive

- Qualitative research methods
  - Case-study approach

- Empirical basis
  - Written documentation
  - SEA directive
  - Academic literature
  - Legislation, regulations, guidelines etc.
  - Complemented by interviews and participatory observations.

- Comparative analysis
  - The findings from the national reviews
  - Compared to the directive and discussions from the 'SEA community'.
Review of the SEA directive 2001/42/EC

- Gives the framework for the implementation of SEA in the member countries
- Largely same procedural steps as the EIA directive 85/337/EC: screening, scoping, consultation, assessment process, report preparation, review and monitoring/follow-up.

Objectives of the directive:
- Promote for a high level of protection for the environment
- Contribute to the integration of environmental considerations to the preparation and adoption of plans and programmes
- Promote sustainable development

Criticism that the focus is predominantly on environmental protection

Initiatives towards impact assessment
- Since the approval of the directive, two communication papers (COM (2002) 276 final) and (COM (2002) 278 final) have been presented to promote more integration with impact assessment (IA).
Results from the academic review

- Broad discussion has been ongoing since the late 1970 among both academics and practitioners
- The concept was first applied in IAIA90 (Wood and Djeddour)
  “The environmental assessment appropriate to policies, plans and programmes are of more strategic nature than those applicable to individual projects and are likely to differ from them in several important aspects”
- Some trends in the SEA discussion over time:
  - Early discussions focused on broadening the EIA-instrument to a broader geographical scale.
  - In later years the emphasis has moved to integration in decision-making and the contribution to sustainable development.
  - From instrument => process
  - Broader aim; more ambitious, vaguer definition
  - Criticism: limited understanding and knowledge of the planning system
  - Weak theoretical basis
- However no anonymity of what SEA is or what can be achieved by using SEA
- The relevance of planning theory:
  - Clear parallels with recent developments within planning theory, especially with regard to participatory planning
  - Need to apply practices from planning carefully.
Sweden

Legal transposition of the directive, took effect on the 24th of July 2004
- The SEA requirements were introduced in the Environmental Code in 2004 (SFS:603)
- Relevant changes in the Planning and Building Act (SFS 2004:603).
- Regulation SFS 2005:536. Supplementary changes 21st of July 2004

Contents
- In the Environmental Code, the requirements were introduced in chapter 6, the same chapter as the requirements on EIA.
- The requirements follow the directive in all main principles with the same procedural steps
- No separate aims, but the same as EIA and the Environmental Code: to promote sustainable development and environmental protection.

Previous SEA experience
- Greatest experience comprehensive municipal planning and sector planning.

Guidance
- Guidelines published by the National Board of Housing, Building and Planning in 2007 for the application of SEA requirements according to the PBA.
- Guidance by the Environmental Protection Agency will be issued by the end of 2008.
Iceland

Legal transposition of the directive, took effect on 14th of June 2006
- Act on environmental assessment of plans and programmes 105/2006
- Requirements in the Planning and Building Act 73/1997.

Contents of the SEA requirements
- Aims: to encourage sustainable development and minimise negative environmental effects.
- No screening requirements, all plan and programmes require a SEA

Previous experience of SEA
- Requirements of environmental assessment in the PBL in 1998.
- Experience from municipal comprehensive planning and sector plans

Guidance
- Guidance, research and development studies have principally been carried out by the Planning Agency and sector authorities. Guidance published in 2007.
- Encompassing changes in the planning system, where SEA has been identified as a source of inspiration, e.g. the establishment of a national planning level.
England

Legal transposition of the directive, took effect 2004
- Included in the Planning and Compulsory Purchase Act 2004

Previous SEA requirements
- Builds upon 10 years experience of Environmental/Sustainability Appraisals (SA) that have been carried out since 1992. Broader than SEA, including social, economic and environmental aspects

Process
- Recommended that SEA and SA shall be carried out in an integrated process (Planning Policy Statement 12).

Guidance

Other factors
- Revisions in the planning system 2004. New role of the local plans, more strategic focus. Development of a regional planning level.
<table>
<thead>
<tr>
<th>Legal transposition</th>
<th>Sweden</th>
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<tbody>
<tr>
<td>Relevant changes in the PBA (SFS 2004:603). Regulation SFS 2005:536.</td>
<td>Requirements of SEA in the PBL in 1998. Experience from municipal comprehensive planning and sector plans.</td>
<td>Builds upon 10 years experience of Environmental /Sustainability Appraisals (SA) of local plans that have been carried out since 1992. Broader than SEA, incl. social, economic and environmental aspects.</td>
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<tr>
<td>Relation to other legislation or instruments</td>
<td>Requirements of Impact Assessment of municipal comprehensive plans in PBA in ’97. Greatest experience comprehensive municipal planning and sector planning.</td>
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<tr>
<td>Implementation of selected articles of the directive</td>
<td>-Screening criteria for plans and programmes -Environmental Report either integrated or separate -Central role of responsible authorities with regards to contents, participation etc.</td>
<td>- No screening requirement - Environmental Report either integrated/separate -Central role of the Planning Agency -No consultation (apart from the PA) at the scoping stage -6 weeks consultation period</td>
<td>-Screening criteria for plans and programmes covered -EIS integrated in the plan -Central role of responsible authorities, as well as other statutory bodies.</td>
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<td><strong>Aims</strong></td>
<td>The aim of the environmental assessment is to integrate environmental aspects in the plan or the programme in order to promote sustainable development. (EC, 6 ch, art.11).</td>
<td>Aim of the legislation is to promote sustainable development and reduce considerable negative environmental effects with environmental assessment.</td>
<td>No separate SEA objectives in the regulations.</td>
</tr>
<tr>
<td><strong>Relation to EIA and sustainable development</strong></td>
<td>Legal implementation in the Environmental Code, together with the EIA requirement. Aim to avoid duplication. Linkages to SD in the aims of the act and the requirements of environmental objectives.</td>
<td>Clear aim to separate SEA from the existing requirement of EIA. No direct linkages to SD apart from the aims of the Environmental Code and reference to SEA in the national strategy on SD.</td>
<td>No reference of EIA in the SEA regulation nor the Planning and Compulsory Purchase Act. The introduction of SEA refers to extensive experience of sustainability appraisal (SA).</td>
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<tr>
<td><strong>Previous practice</strong></td>
<td>Previous application of Impact Assessment at the municipal level. Some experience in sector planning.</td>
<td>Previous SEA application, some at the national level, but largely at the municipal level.</td>
<td>Some experience at the municipal level of SEA. Mainly as a part of the framework for Sustainability Appraisal.</td>
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</tbody>
</table>
| **Other contextual factors** | - Statutory planning at the municipal level.  
- Sector planning at the national level.  
- Development of a regional planning sector.  
- Ongoing revision of the Planning and Building Act. | - Statutory planning at the municipal level.  
- Sector planning at the national level.  
- Development of national planning coordination at the national level. Examples of non-binding voluntary planning at the regional level.  
- The current planning system builds upon PBL in 1997. Requirement of a SEA.  
- On-going revision of the planning system. | - Statutory planning according to the Planning and Compensation Act at the local authority level (local development authorities and county councils).  
- Sector planning at the national level.  
- Development of a regional planning sector.  
- The planning system underwent substantial changes with the Planning and Compensation Act in 2004. |
Comparative results from the national reviews

- All the countries have fulfilled the requirements of introducing 2001/42/EC.
- The directive is either introduced as a separate legislation (Ic)/regulation (En) or integrated with the environmental legislation (Sw).
- The level of association to EIA differs.
- The implementation of the separate articles of the directive fulfill the directive closely but differ with regard to:
  - Accountability in the process
  - Integration in the process
  - Consultation, time and possibilities for participation
- The expectations expressed nationally differ from:
  - Minimum disturbance
  - Lever to change the planning system
  - Comply with the EU demands
- In all the countries the directive is introduced to a turbulence in the national planning system – time for revision and reconsideration of the role of planning.
Thank you!

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<td><strong>Legal implementation</strong></td>
<td>Environmental Code, 2004</td>
<td>SEA legislation, 2006</td>
<td>SEA regulations, 2004</td>
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<td>Planning and Building Act 2004</td>
<td>Planning and Building Legislation</td>
<td>Planning and Compulsory Purchase Act 2004</td>
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<td><strong>Separate legislation</strong></td>
<td>No</td>
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<td><strong>Planning system</strong></td>
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<td><strong>National level</strong></td>
<td>Sector Plans</td>
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<td><strong>Regional level</strong></td>
<td>Regional development plans</td>
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<td>Regional plans</td>
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<tr>
<td><strong>Local/municipal level</strong></td>
<td>Municipal comprehensive plans</td>
<td>Municipal comprehensive plans</td>
<td>Local plans</td>
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<td>Detailed plans</td>
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<td><strong>Separate steps in the SEA process</strong></td>
<td>Follows the directive - further requirements on consultation during the scoping phase</td>
<td>Follows the directive - apart from no screening requirements</td>
<td>Follows the directive</td>
</tr>
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<td><strong>Earlier experience of SEA</strong></td>
<td>Requirements for impact assessment of municipal comprehensive plans in the PBA since 1997. Experience of environmental assessment in sector planning</td>
<td>Environmental assessment of municipal comprehensive plans</td>
<td>Sustainability Assessment at the municipal and regional level.</td>
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<td></td>
<td>On-going revision of the Planning and building act</td>
<td>On-going revision of the PBL.</td>
<td>Comprehensive changes of the planning system in 2004 at the regional and municipal levels.</td>
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