EIA and SEA: their inter-relationship and role as instruments for sustainable development

4th Meeting of the Parties to the UNECE Convention on EIA in a Transboundary Context (Espoo, 1991), Bucharest, 20 May 2008

“The Convention ten years after its entry into force: future directions”

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Summary

1. Context
2. Links between EIA and SEA
   - Theoretical
   - Practical
3. Remaining challenges
4. Conclusions
   - bringing theory and practice together
1. Context

- Under the convention EIA and SEA treated separately
  - Though connected

- Historically, parts of the same spectrum
  - Same principles apply, but different techniques appropriate
  - Have developed under different and evolving paradigms
    - EIA in era when integrating environment predominated (1970s)
    - SEA when ‘sustainable development’ ascendant (1990s).
SEA Protocol and convention

- Recognising that strategic environmental assessment should have an important role in the preparation and adoption of plans and programmes, and, to the extent appropriate, policies and legislation, and that the wider application of the principles of environmental impact assessment to plans, programmes, policies and legislation will further strengthen the systematic analysis of their significant environmental effects. Preamble Rec.4, Protocol

- Integrating by those means environmental, including health, concerns into measures and instruments designed to further sustainable development. Article 1 (e), Protocol
2a. Theoretical links

- Tiering
- Alternatives/options
  - Evaluation of options/alternatives
    - to enable the most sustainable/least environmentally damaging option(s) to be chosen
  - More alternatives available at more strategic levels
  - Participation at most relevant levels
- SEA and EIA therefore central to informed and transparent decision-making about sustainable development
EIA/SEA Tiering

- Policy
- Plan
- Programme
- Project

Range of options: High
Level of uncertainty: High
Level of detail: Low
Nature of impact prediction: Qualitative potential/directional

Range of options: Low
Level of uncertainty: Low
Level of detail: High
Nature of impact prediction: Quantitative actual/absolute
2b. Practical links

- SEA setting framework for EIA of subsequent projects - tiering
  - But may be indirect, less linear than understood theoretically
  - At what level should SEA and EIA apply – not always straightforward
  - What alternatives are available and when? (e.g. transport/roads)

- What if both SEA and EIA should be applied?
  - E.g. local level plans, because the criteria for both EIA and SEA are met
Need to think strategically about SEA

- Policy / Strategy
- Action plan(s)
- Specific implementation programme(s)
- Project(s)

Apply SEA here - at all levels?
At most strategic level?

Policy / Strategy
Action plan(s)
Specific implementation programme(s)
Project(s)

SEA
EIA

or here?
At plan and programme level only?

Diagram:
- SEA
  - Policy / Strategy
    - Action plan(s)
      - Specific implementation programme(s)
        - Project(s)
- EIA

or here?
Or some other combination?

Policy / Strategy

Action plan(s)

Specific implementation programme(s)

Project(s)

or here? and/or EIA?
Maximising the practical benefits of links between SEA and EIA

- Link programme SEA and project EIA (where tiered) explicitly
  - maybe programme/project **SEA** if project so large that meets SEA and EIA criteria
- Parallel procedures where both EIA and SEA necessary
  - due to local legal regime
  - reinforce tiering concept
- Joint procedures where EIA and SEA requirements can be met by one procedure
  - where timings and scale coincide
3. Remaining challenges

- ‘Fuzzy’ projects
  - Multiple consent procedures
  - ‘principal project/accessory’ test?
- Disjunction between law and practice/expectations:
  - lack of statutory process, e.g. route corridors and modal alternatives
  - lack of participation opportunities
- Policy gap – should SEA apply to policy?
  - Yes
- Need ultimately for consolidation?
  - May help in looking at EIA and SEA strategically
4. Conclusions

- Deliver aspirations of the Convention/Protocol
  - Re-make connections between EIA and SEA more explicitly, less ad hoc, and more transparently

- Institutionally, more strategic thinking about SEA/EIA:-
  - At governmental level
    - create statutory framework for effective assessment, e.g. filling gaps in policy and planning processes
  - At authority level
    - deciding how and where best to apply SEA most effectively and efficiently (‘strategic screening’)
  - At private sector level
    - working within a national assessment framework so EIAs/SEAs well informed and tailored.