

Strategic Environmental Assessment

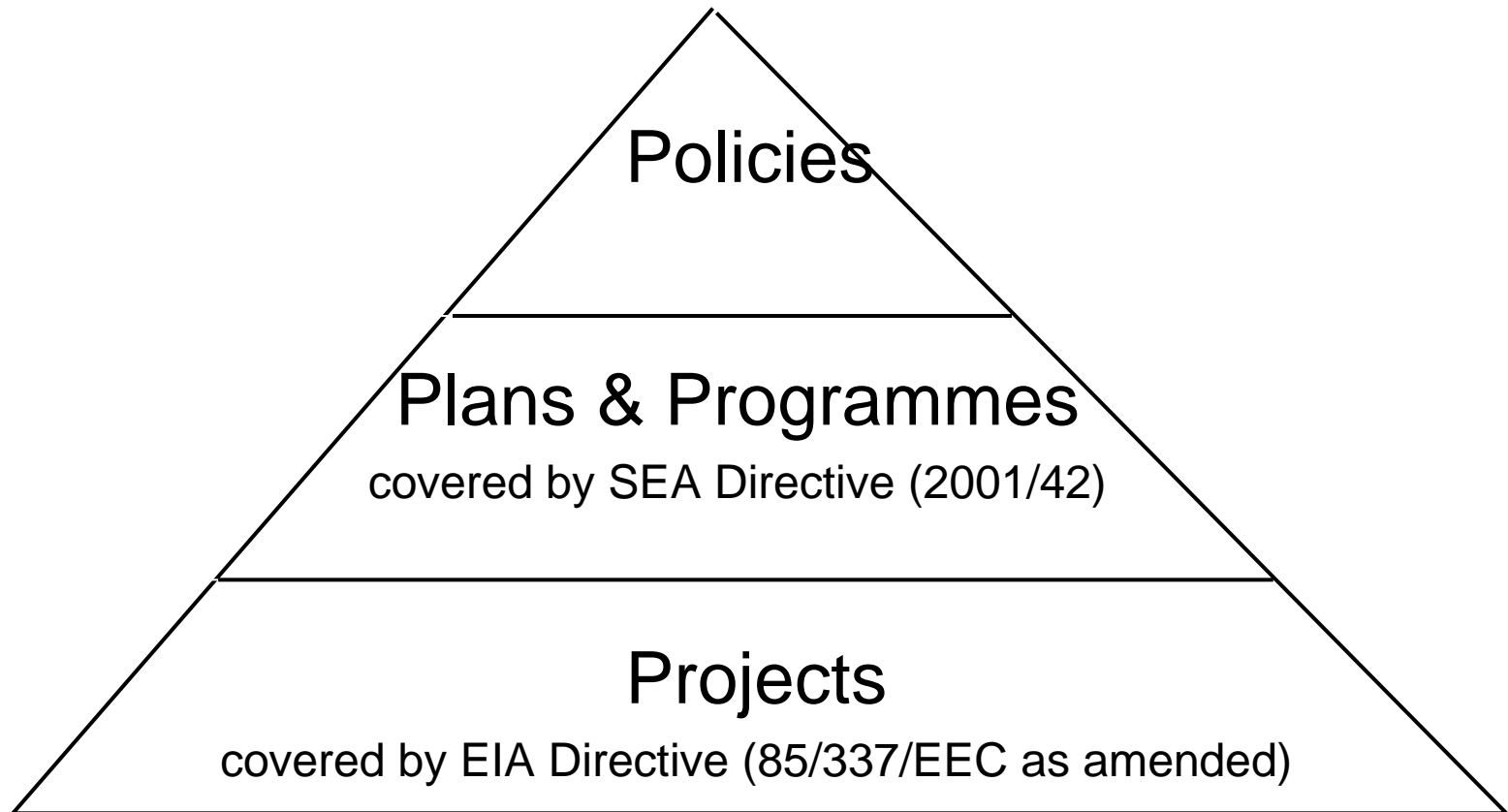
Directive 2001/42/EC

(Applicable from 21st July 2004)

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Environmental Assessment



SEA Directive - Objectives

To provide for a high level of protection of the environment

To contribute to the integration of environmental considerations into the preparation of plans and programmes with a view to promoting sustainable development.

SEA Directive

- How?
- By ensuring that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

What is a plan or programme?

(Article 2)

To be subject to the directive a plan/programme must be:

- prepared and/or adopted by an authority at national, regional or local level **AND**;
- required by legislative, regulatory or administrative provisions.

Definition includes:

- *p/ps co-financed* by the EC
- *Modifications of p/ps.*

Which plans and programmes always require SEA? (1)

Article 3(2) - plans and programmes that always require environmental assessment are those:

(a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use

AND

which set the framework for future development consent of projects listed in the EIA Directive (85/337/EC as amended).

Which plans and programmes always require SEA? (2)

Article 3(2) - plans and programmes that always require environmental assessment also include those:

- (b) which, in view of the likely effect on sites, have been determined to require an assessment under Article 6 or 7 of the Habitats Directive.

Which plans and programmes require SEA?

Article 3(9) - Exemptions:

- National defence, civil emergency, financial or budget plans/programmes

NB: The previous exemption for plans under the Structural Funds Regulations (inc EAGGF) applied ONLY to the programming period 2000-2006 and has now lapsed. Current plans are not exempt.

Which plans and programmes MAY require SEA? (Screening)

- P/ps setting the framework for future 'non-EIA projects' or falling outside the specified sectors.
- P/ps which determine the use of small areas at local level and minor modifications to p/ps which are not likely to have significant environmental effects.

Screening

- How to screen?
- Either through case by case examination, or by specifying types of p/ps, or by combining both approaches.
- Always using Annex II criteria to determine significance of effects. (The criteria include characteristics of plans, of their effects and of affected areas.)

SEA and the planning process

- The environmental assessment must be carried out:
 - During the preparation of the plan or programme
 - Before its adoption (or submission to the legislative process)
- SEA can be integrated into existing procedures or incorporated into new ones

Key elements: The environmental report (1)

- Must identify, describe and evaluate:
- The likely significant environmental effects of implementing the plan or programme, including
 - Effects on biodiversity, soil, water, air, **climatic factors**
 - Effects on population, human health, architectural and archaeological heritage, landscape

Key elements: The environmental report (2)

- Reasonable **alternatives** taking into account the objectives and the geographical scope of the plan or programme.
- The 'zero option' (do nothing) must also be covered

Key elements: The environmental report (3)

- Outline of the p/p and relationship with other p/ps
- Current state of the environment and evolution without the p/p
- Environmental characteristics of the area
- Environmental protection objectives, and how they were taken into account
- Mitigation measures
- Monitoring measures
- **Non-technical summary**

Key elements of SEA: Monitoring

- Member States must monitor the significant environmental effects of the p/p in order to:
 - identify at an early stage unforeseen adverse effects, and
 - be able to undertake appropriate remedial action
- Existing monitoring arrangements may be used.
- Monitoring measures must be covered in the environmental report

Key elements of SEA: Consultations

- Environmental authorities
 - in screening
 - in scoping
 - on the draft p/p and the env report
- The public
 - on the draft p/p and the env report
- Transboundary consultations
 - on the draft p/p and the env report

Key elements of SEA: Decision making

- The competent authorities must take account of the:
 - Environmental report
 - Opinions expressed pursuant to the consultation (public, environmental authorities)
 - Results of any transboundary consultations

Key elements of SEA: Information on the decision (Art 9)

- When a plan or programme is adopted, the public, environmental authorities, and other MSs (if consulted) must be informed.
- The following must be made available:
 - The plan or programme as adopted;
 - A statement summarising **how the env report and results of consultations have been taken into account, and reasons for choosing** between the **alternatives**
 - The monitoring measures adopted.

EU Guidance

"Implementation of Directive 2001/42/EC on the assessment of certain plans and programmes on the environment"

European Commission, 2003

(<http://www.europa.eu.int/comm/environment/eia/home.htm>)

**Thank you
for your attention!**