

Significance and the Future of Strategic Environmental Assessment

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FOREWORD

In response to the invitation addressed by the Japan Environment Agency to contribute to a discussion on the possibility to introduce SEA in Japan, this paper intends to make a brief review on the evolution of SEA worldwide, present a definition of SEA and provide an overview on the current European Union (EU) efforts concerning the adoption of a Strategic Environmental Assessment (SEA) Directive. The status of member countries regarding the EU proposal will also be referred.

1. Rationale for SEA

What is termed Strategic Environmental Assessment (SEA) is undoubtedly a new environmental assessment decision-support tool. SEA is generally presented as the assessment tool that addresses the environmental implications of decisions made at policy, planning and programmatic levels.

Considering the experience so far, the emergence, and strengthening of SEA, is evolving after two main sources: policy development and project assessment.

The first adopts a policy and planning rationale (policy-based approach), with principles of environmental assessment tailored in the formulation of policies and plans, through the identification of needs and options for development, which may then be assessed in the context of a vision for sustainable development.

The second is literally an extension of the practice of project EIA (project-based approach), and applies to plans and programmes, sometimes using the existing EIA legal procedures and requirements, but certainly the experienced practice with the environmental information to be included, methodologies and other assessment tasks such as comparison of alternatives and mitigation measures, and requirements for the presentation of environmental impact statements.

While the first, policy-based approach, enables a more strategic and continuous nature of the assessment process, facilitating the integration of SEA in the practice of policy and planning formulation and in the decision-making processes, the second, project-based approach, requires SEA to be more of a discretized process that validates each planning and programmatic instrument, facilitating the integration of SEA into existing environmental impact assessment decision procedures and methodologies.

2. SEA concept and definition

The concept of SEA has been evolving strongly associated to the achievements of sustainability practices and the consideration of cumulative effects. It is seen as providing an adequate context and rationale for sound and integrated decision-making, within which to address synergistic and long-term induced effects.

There can be many different ways to, and forms of, SEA. Almost as many as the various forms of decision-making. SEA must absolutely be tailor-made to the kind of decision at stake, and the nature of the decision-making process in place. If this is true for project's EIA, it is even more true for SEA, as policy and planning decisions tend to be much more intuitive and much

less rationalistic than decisions taken at project level.

As argued in other occasions (Partidário 1994, 1996), it is understood that SEA must address the strategic component of any decision instruments in a way that is practical and responsive to integrative approaches towards sustainability goals. This strategic component refers to the set of policies, objectives and principles that give shape to the vision and development intentions incorporated in a policy, plan or programme. As such Strategic EA deals with concepts and not with particular activities in terms of its geographic or technical specification and design.

What needs to be stressed is that SEA requires great adaptiveness and flexibility in its decision context, as it deals with a range of mixed forces, acting in many fronts, different societal values and high levels of uncertainty in terms of expected outcomes. But facing uncertain outcomes does not necessarily imply a strategic decision. Whilst the existence of uncertainty factors is inexorably linked to the nature of a strategic decision, there is an whole range of uncertainties associated with the development of particular projects which do not carry the broad visionary and precluding nature that characterizes SEA.

Under the circumstances, there may be no universal definition of SEA that can satisfy each socio-political context of decision-making. Each country or political and economic system will need to adopt the term, or terms, that more clearly identifies the process of EA applied to policies, planning and programmes.

The terminology that is offered in the literature reflects somehow the resistance to adopt SEA as a universal expression and the demand for other terms expressing specific systems. Box 1 offers some examples of different forms of SEA, reflecting a variety of SEA systems (Therivel, 1993; Partidario, 1996).

Box 1 - Forms of SEA

Most commonly adopted forms of SEA

- Strategic EA - generic term to identify the process of evaluating the environmental impact of policies, planning and programmes
- Policy Impact Assessment - adopted term to particularly indicate the process of evaluation of policy proposals
- Regional EA - process of determining the regional environmental and social implications of multi-sectoral developments within a defined geographic area, over a certain period
- Sectoral EA - process of evaluating sector investment programmes involving multiple sub-projects; it also supports integration of environmental concerns into long-term development and investment planning or the evaluation of sector policies
- Environmental Overview - process used in the formulation stages of programmes, leads to early identification of environmental and social impacts and opportunities and incorporation of mitigation measures into programme redesign
- Programmatic environmental assessment - process of evaluating groups of actions related geographically or having similarities of project type, timing, media or technological character

Accordingly, the emergence of different assessment objectives and needs of varying scales and nature also generated a considerable range of potential applications of SEA, such as those indicated in Box 2. Most of these applications is based on Goodland (1997), in what he calls the SEA family, illustrating the variety of SEA tools associated to the World Bank experience.

Box 2 - Scope of SEA applications

SEA is currently or potentially applied to:

- International Treaties
- Privatisation
- Trans National Corporations
- Structural Adjustment Operations
- Structural Operations Programmes
- National Budget
- Legislative proposals
- Area-wide or land-use planning
- Transboundary Impacts
- Global Issues

Two formal outstanding definitions of SEA have been proposed in the literature, by Therivel, et al. (1992), and by Sadler and Verheem (1996), in the context of the International Study on Environmental Assessment Effectiveness. Common elements are shared by those definitions, particularly that SEA is a systematic process and that it addresses policies, plans or programmes. However, while the first focus on the procedural elements of an assessment process, the latter considers SEA almost as a condition to integrated decision-making. Both aspects are fundamental in defining SEA and should be together and clearly expressed in a SEA definition. The following definition intends to bridge together those critical elements in SEA, while retaining the nature of continuity, rather than discretionary, in planning and policy making:

“SEA is a systematic, on-going process for evaluating, at the earliest appropriate stage of publicly accountable decision-making, the environmental quality, and consequences, of alternative visions and development intentions incorporated in policy, planning or programme initiatives, ensuring full integration of relevant biophysical, economic, social and political considerations” (Partidário, in press)

3. Principles for SEA

One of the recommendations that is frequently made regarding the development of SEA is: start doing it! Essentially the point is that practice should evolve irrespective of the existence of a formal regulatory or legislative framework establishing the “boundaries” of SEA (Therivel and Partidario, 1996).

To incentive such voluntary practice, the adoption of guiding principles for good practice is recommended. Principles for Good Practice of SEA have been developed in different contexts: the International Study on EA Effectiveness and its Guiding Principles for SEA (Sadler 1996), the International Association for Impact Assessment EIA and SEA Principles (IAIA, 1998).

Box 3 summarises priority needs for good practice SEA, reflecting current practice with the

application of SEA (Partidário, 1996).

Box 3 - Priority needs for good practice SEA

- Policy context (sustainability policy, objectives and strategies)
- Accountable decision-making systems
- Adaptively nature of decision-making processes
- Be integral and well coordinated with policy-making
- Simple, interactive and flexible approaches
- Integrated approaches regarding scope and cross-interaction of relevant factors
- Guidance and perhaps minimum regulatory context
- Demonstration of benefits - examples of good and bad practice
- Participated process, including multiple agents and consideration of public priorities and preferences
- Changing attitudes, overcoming prejudices, new routines in decision-making

Consistent with the nature of a SEA system is its potential capacity to contribute to the achievement of sustainability aims. SEA can only play a role towards sustainability if the following conditions are met:

- a policy framework establishing the articulation with other policy tools and institutional contexts;
- credible and feasible alternatives that allow evaluation based on comparable rather than in absolute values;
- recognition of the uncertainty context that characterises any policy and planning development context;
- simple though pragmatic indicators that can assist monitoring of the assessment process;
- good communications mechanisms to ensure that all partners in the SEA process are adequately involved and their perspectives contemplated.

Whether or not these conditions are in place is also a key element in the characterisation of SEA systems.

4. The EC Draft Directive on SEA

On the 4th December 1996 the proposed SEA Directive was formally adopted by the European Commission. Its implementation is envisaged for the period starting on the 31st December, 1999. Throughout these three years various consultations and discussions within the European Commission, European Parliament and Member States have been, and will be, conducted, before a final version can be adopted.

Regarding its content, the December 1996 proposed Directive require SEA for town and country planning plans and programmes, and to modifications of existing ones. It also includes plans and programmes in sectors such as transport (including transport corridors, port facilities and airports), energy, waste management, water resource management, industry (including extraction of mineral resources), telecommunications and tourism. No policy assessment is considered and no economic or social considerations are requested.

As to the procedure, the proposed SEA Directive follows closely the requirements of the projects Directive (identification of consultees, information to be provided for environmental assessment, public consultation, transboundary effects, notification and justification of decision). However article 3 recognises that the requirements of the Directive can be either integrated in existing procedures in Member States for the adoption or submission to the legislative procedure of plans and programmes, or incorporated in specifically designed procedures.

The latest developments regarding this proposed Directive are summarised in this section, based on the oral presentation by Ms. Lieselotte Feldman of the European Commission (DGXI) at the Workshop on SEA held in Austria from 5 to 7 October 1998.

The Committee of Regions and the Economic and Social Committee, by May 1997, stated in their opinion, regarding the form and scope of the proposed Directive, that:

- social and economic issues should be considered and assessed together with ecological issues;
- the scope of the Directive is too narrow, too many plans escape;
- there is a need for clear and practical provisions for public participation;
- the linkage between EIA and SEA should be clarified and considered;
- it is important too ensure coherence amongst various environmental instruments (such as the Integrated Pollution Control, Environmental Management and Auditing Schemes, Environmental Impact Assessment and Strategic Environmental Assessment);
- there is a need to develop further methodologies and guidance;
- there is a need to ensure good quality assessment through monitoring; and
- there is a need for sound legal basis.

Following this position, the European Parliament started their first reading. The five different committees (Environment, Economic, Culture, Energy and Budget committees) have considered this proposed SEA Directive very highly in their agenda. By 15th September, 39 amendments had been proposed by the Parliament, of which 18 had been accepted by the Commission. However, there is still no vote on these amendments. The voting was expected in the October plenary.

The Parliament amendments did not include yet any reference to the inclusion of policies, as the Commission argued that Member States would not support the integration of policies, or the question of the timing of the SEA.

The legal basis for the approval of the Directive was being considered regarding the requirement for unanimity or a qualified majority. It is believed that if unanimity is required, than the proposed Directive may never be adopted. Concerns as to the adoption of a formal standard assessment procedure persist in some Member-States. However, the Commission maintains its support to some form of legally based SEA.

5. Member States position regarding the SEA proposed Directive

Table 1 presents a synopsis of the main position in Member States with respect to the proposed SEA Directive. This information was collected in short papers presented by Member States representatives to the Workshop on SEA that was held in Austria earlier in October 1998.

The scope of the Directive and the Screening provisions, the definition regarding the Content of the SEA, the provisions for Public Participation and the linkage between SEA and project EIA were the main issues identified by the Member States representatives and other participants at the Austrian workshop on SEA.

The scope was indeed seen as the main problem, in particular the term “town and country

planning”, given its strict meaning in certain jurisdictions, particularly in Britain. Its deletion, or at least clarification, was strongly recommended by workshop participants. Other main recommendations regarding the proposed Directive included:

- policies should indeed be kept as a separate issues and not be included at this stage;
- criteria should be included to help with the screening of plans and programmes, while sectors such as fisheries, coastal planning, agriculture and forestry should be added;
- the focus should be kept on statutory planning;
- Member States should be given greater flexibility for legal adaptation;
- alternatives should be given specific consideration, while environment and socio-economic issues should be considered together;
- provisions for monitoring and assurance of quality review are needed, to the discretion of Member States but with public consultation playing a major role;
- provisions for public participation are at a minimum in the proposed Directive but perhaps enough for the moment; they are however too limited for involving neighbourhood Member States when it concerns transboundary impacts;
- public participation should take place at the scooping stage, and preferably simultaneously with the public participation in planning and programme development;
- the link between SEA and project EIA should be established through a framework for development consent may be a good way; it is believed that practice will show how it will work, and although regulations may not be needed, however a hint in the Directive was found useful.

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