



DECIVIL

DEPARTAMENTO DE ENGENHARIA
CIVIL, ARQUITETURA E GEORRECURSOS

TÉCNICO LISBOA

Área Científica de Sistemas Urbanos e Regionais

Master in Engineering and Management of Innovation and Entrepreneurship

Master in Environmental Engineering

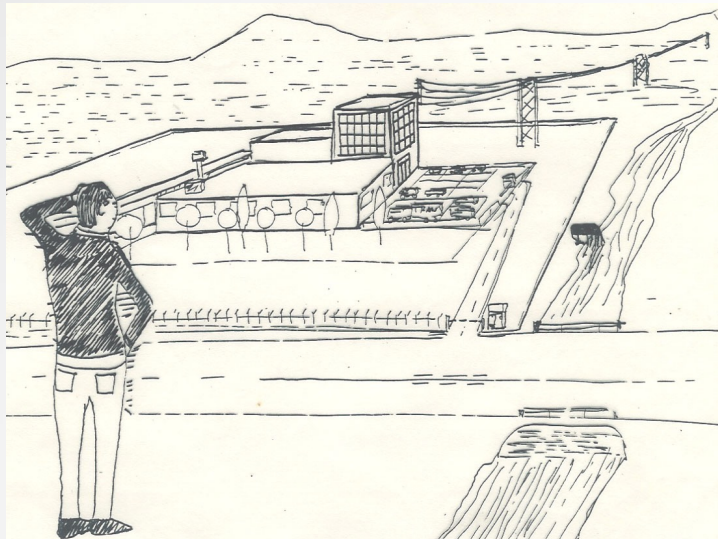
Avaliação Ambiental Estratégica / Strategic Environmental Assessment

Why is SEA important?

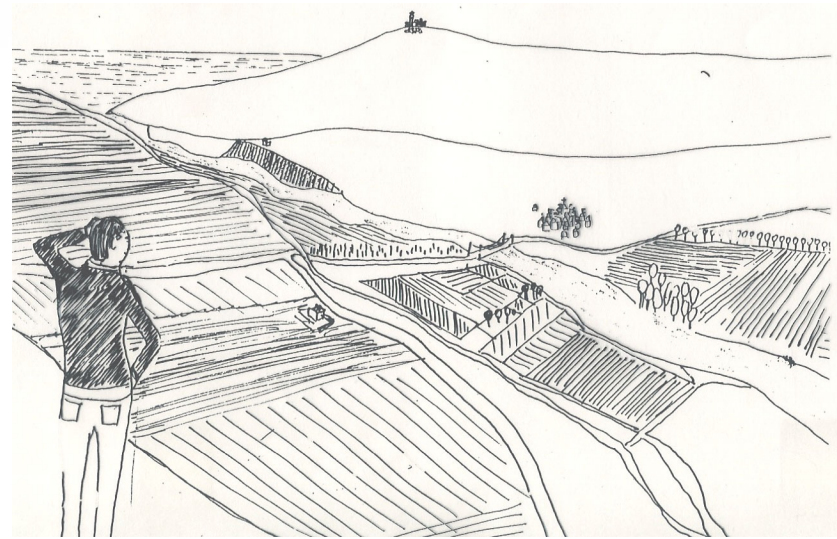
Legal and institutional framework

Prof. Doutora Maria do Rosário Partidário

Dilemma in SEA

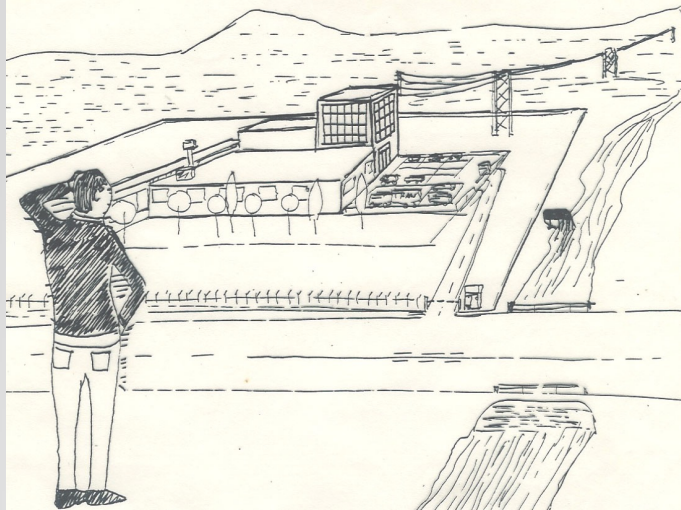


Assessment of impacts of proposals



Assessment of strategic options

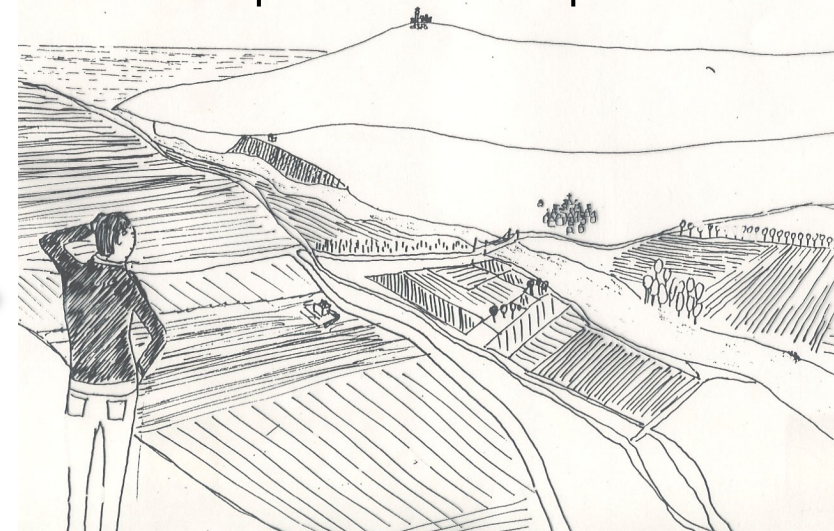
Impact-based
Options are limited



Good design



Strategic thinking
Options are still open



Good strategy

Strategic Environmental Assessment - a spectrum of understandings

Maria Rosário Partidário

Ch2, in Handbook of EIA, Kevin Hanna (Ed) (in press)

Effects or
impacts
assessment
EIA influence



Strategic thinking
Sustainability
Governance led

Spectrum of SEA perspectives (after Partidário 2005)

Impact based practice vs strategic thinking

- Impact based – seeks impact assessment – assesses effects on existing values, corrects situations, looks back into what may be lost, mitigating loss
- Strategic thinking – seeks creating contexts for sustainability – opens opportunities, explores new values, looks forward into what can be gained, adding value

SEA – the two models (Partidário, 2020)

Impact based SEA

(logic: control of effects)

DEVELOPMENT



Scoping
Prediction
Assessment
Mitigation
Monitoring

Environmental effects

Strategic thinking SEA

(logic: develop options/building futures)

DEVELOPMENT

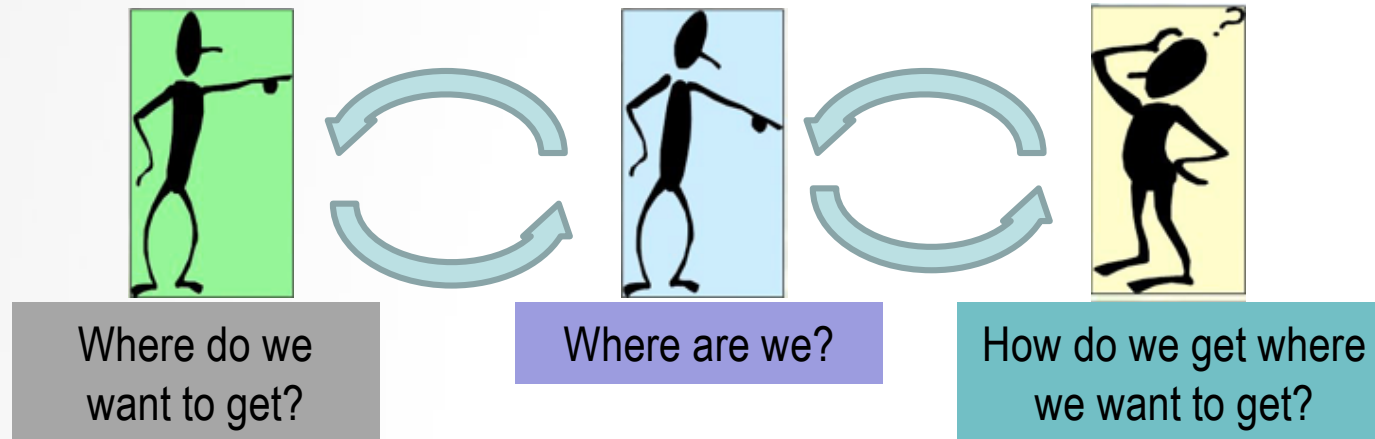


Focus
Strategic options
Assessment
Guidelines
Monitoring
Evaluation

Potential environmental and
social value

Strategic Environmental Assessment (SEA)

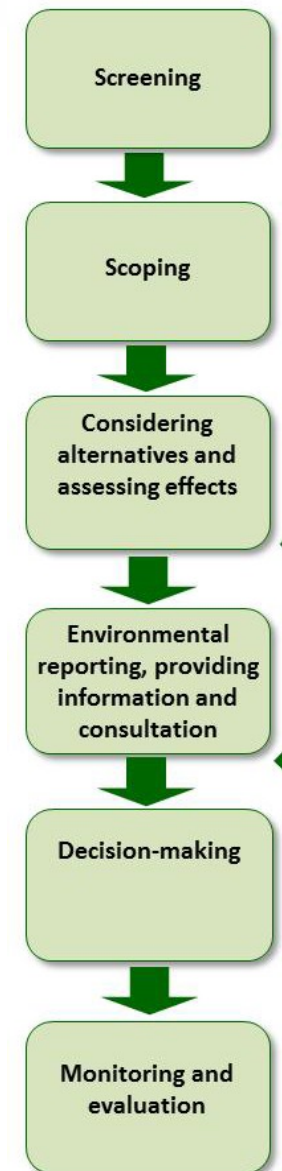
A strategic decision support instrument about how to get where we want to get with the best results for the environment and for sustainability



European Directive – one of the most limited forms of SEA

Dalal-Clayton and Sadler, 2005
Tetlow and Hanush, 2012

SEA steps





Protocol on Strategic Environmental Assessment

Funded by



European Commission

6.41
min



https://www.youtube.com/watch?time_continue=376&v=KTHKqx-C_C8

Available at NCEA website on April, 24, 2019

Environmental Assessment @ MRPartidário

Directive 2001/42/EC of 27 June on the assessment of the effects of certain plans and programmes on the environment

Objective

To provide a high level of protection to the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development

Directive 2001/42/EC of 27 June – scope of application

Applies to:

Plans and programmes, as well as any modifications to them, which are:

- Subject to preparation and/or adoption by an authority at national, regional or local level, through a legislative procedure,
- Required by legislative, regulatory or administrative provisions.

Directive 2001/42/EC of 27 June – scope of application

All plans and programmes prepared for :

- Agriculture
- Forestry
- Fisheries
- Energy
- Industry
- Transport
- Waste management
- Water management
- Telecommunications
- Tourism
- Town and country planning
- Land use

Directive 2001/42/EC of 27 June – definition of environment

- biodiversity,
- population,
- human health,
- fauna,
- flora,
- soil,
- water,
- atmosphere,
- climatic factors,
- material assets,
- cultural heritage, including architectural and archaeological heritage,
- landscape and
- the inter-relationship between the above factors (art. 5th, Annex I)

Directive 2001/42/EC of 27 June – key requirements

Preparation of an environmental report, in accordance with Annex I specifications, which will inform on:

- the plan or programme and respective alternatives,
- current state of the environment,
- links or relationships with other plans and programmes and environmental objectives,
- probable effects on the environment of the plan or programme,
- proposal for mitigation measures and
- a monitoring programme (article 5th)

Directive 2001/42/EC of 27 June – key requirements

Consultation of environmental authorities in scoping the environmental report (n. 4 in article 5th)

Consultation of authorities and interested public, and other eventually affected countries, once the environmental report is prepared (article 6th and 7th)

Consideration in decision-making of results of the environmental report and of public and institutional consultations according to 6th and 7th (article 8th)

Information on decision taken (article 9th)

Monitoring of environmental impacts of plan or programme implementation (article 10th)

Verification of the quality of the environmental report (n. 2 in article 12th)

Directive 2001/42/EC of 27 June – other features

- Does not mention SEA by name.
- Requires SEA for all plans and programmes establishing a framework for future development consent of EIA Directive projects.
- Covers SEA for plans requiring assessment under Habitats Directive.
- Excludes minor modifications or small area plans not having significant environmental effects.
- Recognized tiering - assessment at different levels of the hierarchy must be taken into account.
- Establishes a scoping stage.
- Necessitates the consideration of alternatives.
- Requires consultation and public participation.

PORTUGUESE KEY LEGISLATION ON STRATEGIC ENVIRONMENTAL ASSESSMENT

Decree Law 232/2007, of June 15th

complemented by the Decree Law 316/2007, of September 19th, change by the Decree Law 46/2009 of February 20th, and by the Decree Law 58/2011 of May 4th

Where national requirements improve in relation to the Directive (1):

- Focus on strategic function, analysis of major options
- Environmental report is not a description of environmental baseline but an instrument for an integration process in plan and programme development
- SEA is not binding, except in spatial plans

Where national requirements improve in relation to the Directive (2):

- Responsibility lies with the authority responsible for the plan or programme to:
- assess need for SEA
- determine scope and limits of assessment and request comments
- consult institutions and the public
- Assure quality of environmental report
- after approval prepare the Declaração Ambiental and send to APA

The initiator's responsibility:

- Determine the scope of the environmental assessment and the detail of the information to include in the environmental report;
- Prepare the environmental report;
- Consult the public authorities with environmental responsibility on the scope of the environmental assessment and the detail of the information to include in the environmental report;
- Consult the public authorities with environmental responsibility and interested public, as well as other countries potentially affected, on the environmental report;

The initiator's responsibility:

- Inform on decision, through the Environmental Declaration;
- Monitoring of the environmental effects resulting from the plan or programme implementation
- Verification of the environmental report's quality.

IGT - Territorial Management Instruments (regional and municipal) – DL 80/2015 of May 14th

CA must integrate all institutions with environmental responsibilities mentioned in the DL 232/2007

CA must comment on the scoping and limits of SEA and on the environmental report (RA)

RA, together with the plan report and institutional comments are subject to public consultation

Public discussion no less than 30 days

IGT - PU e PP

Only require SEA if effects are significant

It is the municipality decision, they can consult authorities

Institutional consultation on RA is required in similar ways

Public discussion no less than 22 days (PU e PP)

INSTITUTIONAL FRAMEWORK in EIA IN EUROPE

Environment Directorate-General (DG ENVIRONMENT)

Objective to “protect, preserve, and improve the environment for present and future generations”

Responsible for the administration of European Directives and for overseeing member-states activities in implementing EU environmental law (as EIA), ensuring they are fulfilled.

Other sectorial DG in their areas of responsibility (total of 40; for example DG Transports, DG Regions, DG Energy)

European Commissioner and European Court - conflict resolution

INSTITUTIONAL FRAMEWORK IN PORTUGAL FOR SEA

Institutions with specific environmental responsibilities
(Entidades com responsabilidade Ambiental específica)

- Agência Portuguesa do Ambiente (APA)
- Instituto de Conservação da Natureza e das Florestas
- Instituto da Água
- Administrações de Região Hidrográfica
- Comissões de Coordenação e Desenvolvimento Regional
- Autoridades de saúde
- Municípios da área abrangida