

CHALMERS



Interpretation and Implementation of the SEA Directive

A Comparison between France and UK

Final year research project (French Diploma)

PATRICIA VEROT

Department of Energy and Environment
Division of Environmental Systems Analysis
CHALMERS UNIVERSITY OF TECHNOLOGY
Göteborg, Sweden, 2007
ESA Report No. 2007:14
ISSN No. 1404-8167

ESA REPORT No. 2007:14
ISSN No. 1404-8167

Interpretation and Implementation of the SEA Directive

A comparison between France and UK

PATRICIA VEROT

Department of Energy and Environment
CHALMERS UNIVERSITY OF TECHNOLOGY
Goteborg, Sweden 2007

Interpretation and Implementation of the SEA Directive
A comparison between France and UK
PATRICIA VEROT

© PATRICIA VEROT, 2007.

ESA Report no. 2007:14
ISSN no. 1404-8167
Department of Environmental Systems Analysis
Chalmers University of Technology
SE-412 96 Göteborg
Sweden
Telephone + 46 (0)31-772 1000

Göteborg, Sweden 2007

Abstract

The Strategic Environmental Assessment (SEA) Directive entered in European Union legislation in 2001. The need for this new Directive came from a lack in the former one, the Environmental Impact Assessment (EIA) Directive, on plans and programmes. The goal of the SEA Directive is to oblige the decision makers, of a programme or a plan, to take into account the environment. The SEA process can allow a thinking period on plans and programmes and what could be done to reduce damages and enhance the environmental performance of the plan or programme.

The study investigates the SEA Directive and its interpretation and implementation in France and the UK. Two case studies, on SEA of Regional Economic Strategies, complete this study which aims at comparing the two countries' implementation of the directive, what are the differences and similarities of the interpretation and implementation of the SEA Directive and find possible explanations.

The study concludes that the two SEA's are quite similar with all the information required. Concerning the Regional Economic Strategies, the UK seems to have done a better analysis and report of its region's study. On the opposite the French region case needs to be completed as some lacks were found. For example, the opinion of the Préfet on the accuracy degree of information that should be in the evaluation and explanations on why this project had been chosen are missing in the French region environmental evaluation. But, even with some lacks the French SEA process is a good one.

The study can not compare the consultation and monitoring parts as some documents, concerning the consultation part and the monitoring, are not available yet.

This study is a final year research project which is seen as a diploma study in French's school system.

Acknowledgements

First of all, I would like to thank Professor Sverker Molander and Project Assistant Are Wallin for having letting me doing my final year research project in their laboratory, for the support they gave me for the good behaviour of my project and for all the time spent helping me.

I would also like to thank all the members of the division of Environmental System Analysis from the Energy and Environment Department for their reception and the kindness they shown me.

I would like to thank the International Relations Direction of my French school department for their support and help giving in organizing this trip to Gothenburg, Sweden.

Finally, I would like to thank all the persons I have contacted who help me finding some crucial information for my research project.

Table of contents

ABSTRACT.....	III
ACKNOWLEDGEMENTS.....	IV
TABLE OF CONTENTS.....	V
1. INTRODUCTION.....	1
1.1 BACKGROUND.....	1
1.2 AIM.....	1
1.3 RESEARCH QUESTIONS.....	1
1.4 METHOD.....	1
1.5 SCOPE AND LIMITATIONS.....	2
1.6 GLOSSARY.....	2
2. SEA DIRECTIVE.....	3
2.1 REQUIREMENTS OF THE SEA DIRECTIVE.....	3
2.2 CRITERIA FOR APPLICATION TO PLANS AND PROGRAMMES.....	4
3. INTERPRETATION OF THE SEA DIRECTIVE IN FRANCE AND UK.....	6
3.1 APPLICATION OF SEA IN UK.....	6
3.1.1 <i>Criteria for application of SEA</i>	6
3.1.2 <i>Requirements on the SEA process</i>	6
3.2 APPLICATION OF SEA IN FRANCE.....	8
3.2.1 <i>Criteria for application of SEA</i>	9
3.2.2 <i>Requirements for the SEA process</i>	9
3.3 COMPARISON OF UK AND FRENCH GUIDELINES.....	10
4. IMPLEMENTATION OF THE SEA DIRECTIVE IN FRANCE AND UK.....	12
4.1 REGIONAL ECONOMIC STRATEGIES.....	12
4.1.1 <i>The RES of North East region in UK</i>	12
4.1.2 <i>The RES of Nord Pas-de-Calais region in France</i>	13
4.2 THE STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE REGIONAL ECONOMIC STRATEGIES.....	15
4.2.1 <i>Environmental report of the North East region's RES</i>	15
4.2.2 <i>Environnemental report of the Nord Pas-de-Calais region's RES</i>	16
4.3 CONSULTATION.....	17
4.3.1 <i>SEA of the North East region's RES</i>	17
4.3.2 <i>SEA of the Nord Pas-de-Calais region's RES</i>	18
4.4 ANALYSIS AND RESULTS.....	18
5. DISCUSSION.....	20
6. CONCLUSIONS.....	21
REFERENCES.....	22
APPENDIX.....	24

1. Introduction

1.1 Background

The Strategic Environmental Assessment (SEA) Directive entered in European Union legislation in 2001. The need for this new Directive came from a lack in the former one, the Environmental Impact Assessment (EIA) Directive, on plans and programmes. The EIA Directive on projects' effects on the environment was first introduced in 1985, but was seen as deficient for many reasons, for example it mostly dealt with local level effects. Also the type of effects that are not covered by EIA are results from decisions made at a more strategic level whereas many decisions concerning strategic actions had been made at a more strategic level, i.e. program, plan and policy level. These are some of the reasons which have led to the development of Strategic Environmental Assessment, with the SEA directive, in European Union legislation, in 2001. SEA is a systematic process for identifying, predicting, reporting and mitigating environmental impact of proposed policies, plans or programmes. EU member States are required to implement the directive into their own legislation by June 2004.

This study is investigates how the EU Member States interpret and implement the SEA Directive, which is interesting since it is likely that the implementation will differ between the member states.

1.2 Aim

The study explores the interpretation and implementation of the SEA directive in France compared to UK. The aim is to compare the interpretation and implementation and find explanations to possible differences.

1.3 Research questions

How has the SEA Directive been interpreted in France and UK?

How has the SEA Directive been applied to plans and programs in France and UK?

What can the major factors be that can explain possible differences in interpretation and implementation?

1.4 Method

In this report, first the facts about SEA and the planning systems of both countries are going to be presented.

Comparisons will be made between France and UK by analysing the use of SEA on plans and programmes.

The analysis of the 2 guidelines will show their differences and similarities regarding the SEA Directive. The most important is to understand how they did something they had to, because of the European Union.

This study will be made by analysing SEAs of two programmes, made in France and UK. These SEAs, that are more or less pilot SEAs, will be compared to SEA Directive itself.

A first look will be to see if the differences and similarities found in part 2.5 are the same or not than those found by comparing the 2 guidelines. Then, we will see further part 2.5 and search for more differences and similarities. The most interesting will be the understanding of such differences and similarities.

There are several possible answers can explain differences in interpretation and implementation. One could be that the application of SEA differs, among other reasons, because of different history of planning. Another hypothesis is that the former EIA system in France has been developed with the years and is now close to the SEA Directive. This means that an implementation of SEA would only give small benefits.

Conclusions will then be made about the countries approaches to interpret and implement the SEA directive and also from other studies on the subject.

1.5 Scope and limitations

This report aims at answering or at least find brief answers to the questions above, by searching in the literature and on the European Union website. Searching in the French literature will also be useful to find more information on the French point of view. Contacting people able to complete the research will be done if necessary.

In order to be more concise, the work and research will only be about France and UK, using the SEA Directive for programmes only. Moreover, studied programmes will be regional programmes for European Regional Structural funds, so that the comparison will be more relevant.

1.6 Glossary

DIREN: Direction Régionale de l'ENvironnement

EAGGF: European Agricultural Guidance and Guarantee Fund

EIA: Environmental Impact Assessment

ERDF: European Regional Development Fund

ESF: European Social Fund

EU: European Union

FIFG: Financial Instrument for Fisheries Guidance

GVA: Gross Value Added

RES: Regional Economic Strategy

R&D: Research and Development

SEA: Strategic Environmental Assessment

UK: United Kingdom

2. SEA Directive

First of all, it is interesting to know more about a Directive in the European Union legislation.

A **directive** is a legislative act of the European Union which requires member states to achieve a particular result without dictating the means of achieving that result. Directives normally leave member states with a certain amount of leeway as to how exact rules and laws shall be adopted (wikipedia, 2007a). Indeed, Member States have to make some choices on how they translate directives - and other legislative documents, into national law.

If the member state fails to comply with the required national legislation, or if the national legislation does not adequately comply with the requirements of the directive, the European Commission can initiate legal action against the member state through the European Court of Justice.

2.1 Requirements of the SEA Directive

The SEA Directive has been adopted by the European Commission in 2001, while the EIA Directive existed since 1985 but was amended in 1997.

The SEA Directive is an extension of the EIA Directive, but cover plans and programs. One of the particularities of the SEA Directive is that it aims for environmental considerations to be made earlier in the decision making process than the EIA Directive and that these considerations shall be made for strategic actions, i.e. plans and programs. In fact, following the SEA Directive will allow decision makers to take into account the environment point of view in the decision making process, and including environmentally significant effects of the strategic actions and its alternatives. A good quality SEA process informs planners, decision makers and the public about the sustainability of the decisions, and facilitates the search for the best alternative and ensure a democratic decision making process.

The process (EU, 2001b) requires the preparation of an environmental report with the significant effects on the environment of implementing the plan or programme and its alternatives which are identified, described and evaluated.

The report should give a certain amount of information (EU, 2001b):

- the main objectives of the plan and its relationship with other relevant plans or programmes
- the actual aspects of the environment and its evolution without the plan's implementation
- the environmental characteristics of areas to be significantly affected
- any existing environmental problems which are relevant to the plan
- the environmental protection objectives which are relevant to the plan and the way they have been taken into consideration during its preparation
- the significant effects on the environment such as: biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape including short, medium and long term, permanent and temporary, positive or negative effects
- the measures envisaged to prevent or reduce those significant effects
- the reasons for selecting the alternatives
- the measures envisaged to monitoring
- a non-technical summary of the information provided under headings

The report must include the information that may reasonably be required, taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or program, its stage in the decision making process and the extent to which certain matters are more appropriately assessed at different levels in that process to avoid duplication of the assessment (EU, 2001b).

The environmental report must also be made so that the public and the responsible authorities (designed by Member States) can consult it and express their opinions. The responsible authorities decide the level of detail of the information to be included in the environmental report. This report should be given early enough so that environmental authorities and the public had time to express their opinion. If the plan has significant effects on an EU Member State, this country should be consulted. The consultation is very important in the SEA Directive.

It is also clearly written in the SEA Directive that the environmental report and the results of the consultations must be taken into account in decision-making of the plan or programme (EU, 2001a pp15).

When the plan is adopted, the public and any countries consulted should be informed that the plan has been adopted, the way how environmental considerations have been integrated into the plan and also the measures decided concerning monitoring. Monitoring is required in the SEA Directive.

At least, the SEA Directive also deals with the quality assurance, that is to say the environmental report should be a sufficient standard to meet the requirements of the SEA Directive.

2.2 Criteria for application to plans and programmes

Different criteria exist to know if the plan is subject to the SEA Directive. What the SEA Directive says is that Member States have to determine if the plan is likely to have significant environmental effects and if so, to determine if an SEA is required or not. Even if the SEA Directive does not give any number, threshold or limitation from when an environmental effect is significant or not, it gives some characteristics that should be taken into consideration, such as:

- the probability, duration, frequency and reversibility of the effects
- the cumulative nature of the effects
- the transboundary nature of the effects
- the risks to human health or the environment
- the magnitude and spatial extent of the effects
- the value and vulnerability of the area likely to be affected due to special natural characteristics or cultural heritage; exceeded environmental quality standards or limit values; intensive land use
- the effects on area or landscapes which have a recognized national, Community or international protection status

In some other cases, the SEA Directive is not required (EU, 2001a pp8):

- if the plan is not subject to preparation and / or adoption by a national, regional or local authority
- if the plan is not prepared by an authority for adoption through a legislative procedure by Parliament or Government
- if the plan is required by legislative, regulatory or administrative provisions
- if the plan is likely not to have significant effects on the environment.

This information (if the SEA process is required or not) is compiled in a diagram (Appendix 1) issued from the SEA Directive itself, but the document has no legal status.

But some plans or programmes are not at all concerned by the SEA Directive. These include plans or programmes whose purpose is to serve national defense or civil emergency, or financial or budget plans or programmes (EU, 2001a pp11).

3. Interpretation of the SEA Directive in France and UK

3.1 Application of SEA in UK

In 2005, the UK edited a practical guide to the SEA Directive (Office of the Deputy Prime Minister, 2005) to explain how the SEA Directive should be done on plans or programmes in the UK.

Before that, the UK government has been resistant in varying degrees to environmental legislation but, in 1992, the UK Government has introduced its own weaker form of SEA without using the name (Sheate, Byron and Smith, 2004). This weaker form was a very early draft of the SEA Directive. But now, very particular implementation challenges are faced by the UK government, because it needs to reconcile their weaker and appraisal systems with the SEA Directive.

3.1.1 Criteria for application of SEA

As every other Member State, the UK has to establish those strategic initiatives that constitute a plan for the purpose of the SEA Directive. The practical guide (Office of the Deputy Prime Minister, 2005) gives a list of plans which would be under the SEA Directive, but it also insists on the fact that this list is just an indicative one. It includes:

- land use and spatial planning, such as structure plans, area plans, minerals plans or waste local plans
- regional and local authority plans, such as local transport plans and regional economic strategies
- environmental protection and management plans, such as national park management plans and national waste plans
- plans dealing with the aspects of the environment

Moreover, to know if the plan is under the SEA Directive, the UK government is using the table in appendix 1 given by the European Commission, showing criteria for the SEA Directive's application.

Exemption of the SEA process can be made if the size of the area covered by the plan is small. Though, the Practical guide does not detail what "small" means. The practical guide (Office of the Deputy Prime Minister, 2005) gives the examples of a building plan or a particular limited area. However this is not important since what really matters is whether the plan would be likely to have significant environmental effects. But here again, there is not any explanations on what is a "significant environmental effect". The same kind of exemption is made for minor modifications: regardless of the scale of the modification, the SEA process will be required if the modifications have significant environmental effects.

Indeed, it is not always very clear if the SEA Directive should be applied. This is why the SEA Directive recommends to apply a SEA process when there is a doubt about the significance of environmental effects. The evaluation of the plan or programme in order to determine the need for a SEA should be decided on a case-by-case basis.

3.1.2 Requirements on the SEA process

According to the practical guide (Office of the Deputy Prime Minister, 2005), exactly the same requirements are given as those in the text (EU, 2001b).

These are the specific requirements of the SEA Directive in practice:

- collecting and presenting information on the environmental baseline and current problems, and their likely future evolution
- predicting significant environmental effects of the plan and programme, including those of strategic alternatives
- addressing adverse environmental effects through mitigation measures
- consulting the public and authorities with environmental responsibilities as part of the assessment process
- monitoring the environmental effects of the plan and programme during its implementation

This is the task of the Responsible Authorities, that is to say, the body which prepares and/or adopts the plan or programme.

Under the SEA Directive, a certain number of consultations are required. The consultations bodies aim at saying if an SEA is required or not its level of details. In UK, the consultations bodies are different in England, Northern Ireland, Scotland and Wales but they are all some kind of Environmental Agencies. Here are the designated consultations Bodies in UK (Office of the Deputy Prime Minister, 2005):

- England: Countryside Agency, English Heritage, English Nature, and the Environment Agency
- Northern Ireland: The Department of the Environment and Heritage service
- Scotland: Historic Scotland, Scottish natural Heritage, and the Scottish Environment Protection Agency
- Wales: Welsh Historic Monuments, Countryside Council for Wales, and Environment Agency Wales

Moreover, the public (who is identified by the responsible authority) have the opportunity to consult the plan and to express its opinions, but the draft plan and the environmental report must be given early enough to express their opinion so that considerations can be made before the finalization of the plan or programme. No time limit is given here. Moreover, EU Member States must be consulted if the plan has significant environmental effects in their territories.

Making an SEA in the UK requires 5 stages in the process (Appendix 2):

- *Stage A:* Setting the context and objectives, establishing the baseline and deciding on the scope

This stage's goal is to identify other relevant plans or programmes and all the environmental problems brought by the plan or programme. It also develops SEA objectives.

- *Stage B:* Developing and refining alternatives and assessing effects

Here it is about developing strategic alternatives and their effects on the environment to test the plan or programme objectives against the SEA ones. It is in this stage that proposition can be made to monitor the environmental effects of the plan or programme.

- *Stage C:* Preparing the environmental report

The report has to be done with all the information required by the SEA Directive, see above. The level of detail to be provided in an environmental report is decided by the Responsible Authority, and should keep in mind that its purpose is a public consultation document.

- *Stage D:* Consulting on the draft plan and the environmental report

In this stage, the public and the Environmental Agency can express their opinions about the plan or programme and its alternatives, which must be taken into account in the decision making process.

- *Stage E:* Monitoring the significant effects of implementing the plan or programme on the environment

To be sure the environmental effects are those predicted by the whole process, monitoring is needed, and it is in this stage that aims and methods are developed.

All those stages are linked during the SEA process as shown on appendix 3. However, the practical guide insists on the facts that this process is flexible and made to help plans or programmes that require the Directive. Moreover, the method explain above are more tools and technique that can be used to meet the requirement of the Directive, but, in practice, Responsible Authorities could vary this approach if necessary in order, for example, to combine qualitative and quantitative assessment.

3.2 Application of SEA in France

French law has very early introduced the principles of SEA. Indeed, France was one of the first countries to adopt the preceding EIA Directive, in 1976. During 30 years, France has developed the EIA Directive because they found a lack of this Directive for plans and programs since 1993. That is why SEA's principles has been very early introduced in the field of territorial, urban planning and land use plans for development project. But, according to other studies (Moulin, 2002), it seems that France continue to keep EIA for plans and programmes as they did before the SEA Directive became compulsory.

As the SEA Directive was already more or less in the French law (Moulin, 2002), the government did not edit a guideline for the application of the SEA Directive like the UK did, but there is a “circulaire” (Ministère de l'Ecologie et du Développement Durable, 2006) that explain the SEA Directive and tell who the responsible authorities, depending on the plan or programme, are.

In French law, a **circulaire** consists of a text intended for the members of a service, of an enterprise, or of an administration. A circulaire originates from a Ministry with the aim of giving an interpretation of a legal text. As such, a circulaire depends on the general principles of law, but carries more weight than mere administrative acts.

Circulaires provide recommendations and, in certain cases, circulaires introduce new rules (wikipedia, 2007b). In fact, it is not called a guideline but it is one.

The national Government integrated the SEA Directive by modifying what already existed as the Environmental Code, the Urbanism Code and the Territorial General Code. The European Directive in France just reinforces the fact that the environmental impact of a plan should be taken into consideration as impact studies were already required.

The ads in the Environment Code concern the realization of the environmental report and what should be in it; the consultations required and the information of the public; and the monitoring of the plan.

The national Government insists on different aspects of the Directive applied in France's plans or programmes:

- the environmental authority is an important innovation, it will have to say if the plan does not need an environmental evaluation, the level of precision required for the plan or

programme and all the information that the report should contain and an opinion on the plan or programme before the environmental report is available to the public.

- opinions given by the environmental authorities are the key in the amelioration of the environmental report. It matters that they are transparent, identifiable and attached to a precise stage of the procedure.
- every year environmental authorities will have to do a report on environmental reports they would have had examined, saying what were the difficulties, the number of opinions given and the cost of it.

3.2.1 Criteria for application of SEA

The first appendix of the circulaire deals with plan that requires or not the SEA Directive:

- all plans related to urban plans, waste plans
- all modifications require a new environmental evaluation, except if the modifications is judged minor without any impact on the environment; partial modifications, that is to say when the modification only concerns a particular point of the plan, leads to an actualization of the plan
- plans, that will not have incidence on the environment, will not require a SEA especially if they will occupied a small surface; criteria that should be taken into consideration are those described in the SEA Directive (see page 9) such as the probability, duration, frequency and reversibility of the effects

3.2.2 Requirements for the SEA process

The second appendix of the circulaire deals with what should be in the environmental evaluation of the SEA process, which requires 5 steps:

- the environmental report: first the “Préfet of the Region” gives the level of detail of the environmental report which is called scoping. Then the environmental report that should contain:
 - ⇒ goals of the plan or programme
 - ⇒ an analysis of the environment initial state and the evolution of it with the plan or programme
 - ⇒ the significant effects on the environment such as: biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape including short, medium and long term, permanent and temporary, positive or negative effects
 - ⇒ explanations for which the plan was retained in comparison to the international or national of the objectives of environmental protection (in comparison with others solutions considered)
 - ⇒ measures to avoid, reduce and compensate the harmful effects of the plan or programme on the environment and the monitoring of it
 - ⇒ a non technical summary of all information required and a description on how the evaluation has been made
- at least three months before the public consultation, the environmental report must be consulted by the 'préfet' (representative of the state in the region or department).
- then the public must be consulted before the adoption of the plan or programme and after the adoption it must be informed.
- those consultations could include others Member States if the plan can have significant incidence on the environment on their territory or if an other Member States plan can have effects on French territories
- finally, the plan or programme must be monitored during its implementation

3.3 Comparison of UK and French guidelines

First of all, the UK practical guide refers to some documents of the SEA Directive itself (see appendix 1 and EU, 2001b) while the French circulaire does not. Indeed, the French government had used the document that already existed in French law, such as the Environmental Code. This shows how France is in advanced in the environmental field, since France had worked for 30 years on the subject with the EIA Directive, and only less than 20 years in the UK. But should we see here a way of implementing the SEA Directive without putting apart what has already been before the Directive?

Even if France has decided not to refer to some tables of the SEA Directive, the content of the circulaire is very close to the SEA Directive. That is the same for the UK Government. Indeed, they both follow the Directive very carefully.

The UK government may be a little more detailed with its 5 stages but, for UK, organizing the SEA process in a different way is not a problem. Indeed, the method described is very flexible and again very similar to the French circulaire.

The French circulaire may be a little more explicit on the consultation part, by giving a time limit, which the UK government does not do.

To summarize, both guidelines follow the European Directive but in a more detailed way by giving for example the names of the Responsible Authorities, time limit or stages which can be followed.

They both insist on the fundamental aspects of the Directive that is to say the environmental report of the plan or programme and its alternatives, the consultation of the public and the responsible authorities and also the implementation of the plan and its alternatives in the decision making process.

But, they both remain less clear on several important points. Indeed, in both guidelines nothing is said about what a 'significant environmental effect' really is or when an SEA process is required depending on the field.

It is quite surprising that there are so little differences between those 2 guidelines. Indeed, the UK was one of the first countries to adopt and welcome the Directive even if they had been a little suspicious at the beginning and France was one of the countries which had already a form of SEA similar to the one described in the SEA Directive through a modified EIA of plans or programmes.

But a personal communication (Tourjansky, 2006) revealed that for all transport and energy plans or programmes, the SEA Directive is not required, which is very surprising. This is due to a confrontation between constructors and the ecology ministry, where constructors said it will be too long for them to do the SEA process. Tourjansky believes that it is not the right way of implementing the SEA Directive and thinks that if the European Commission finds out this lack, France could have problems with the European Commission. For the moment, transport and energy plans or programmes are realized as they were projects, with the EIA Directive, just like they did before the SEA Directive. The difference is that they make environmental impact studies on parts of a highway, that is to say they do not consider the highway as a whole which is not correct regarding environmental effects.

Another personal communication (Therivel, 2007) revealed that not all plans and programmes under the SEA Directive require a consultation with the public in the UK. Indeed, Therivel said

that the consultations part was part of the guideline but was not compulsory, which is very surprising as the consultation part is one of the big issues about the SEA Directive.

Those 2 personal communications revealed some of the differences between the guidelines edited by governments and what really happens in practice. Now the question is: how does it really work for plans and programmes, those which are under the SEA Directive? Indeed, those 2 guidelines are not very concrete or detailed and imply that they are very flexible.

4. Implementation of the SEA Directive in France and UK

To know more about the implementation of the SEA Directive in both countries, it is important to see how it really works SEA process are applied on real plans or programmes.

Two case studies will be analyzed, that is to say a SEA of a programme in France and another one in UK. As the analysis is about comparing the implementation of the SEA Directive in two different countries, cases will be rather similar.

4.1 Regional Economic Strategies

The 2 cases chosen are SEAs of RES which can be seen as regional programmes. Each region of European countries can make a programme including a SEA process in order to get European Structural Funds. Different European Structural funds exist, but the 2 cases are about the European Regional Development Fund (ERDF): North East Region for the UK case and Nord Pas-de-Calais for the France case. It aims at reducing regional imbalances and assisting disadvantaged regions, particularly rural areas and run-down areas facing restructuring problems and industrial decline

Each of the 9 regions in England and each of the 26 regions in France have, at least, started the SEA process about European Structural Funds. Almost none of them, especially for France, have already finished the SEA process. Indeed, the final decision has not already been made.

The 2 cases chosen have defined the programme and have done the Environmental report and the consultations which are the most important part of the SEA process.

4.1.1 The RES of North East region in UK

The operational programme (Government Office of the North East, 2007a) of the North East region is made of different chapters where it is possible to find a summary of the socio-economic study and the programme strategy.

In the analysis of the North East region, a certain numbers of indicators allow to know better the region and its problems. The region's population is more urban as 72% of the 2,55 million inhabitants live in urban area and 88% work in those urban areas. Rural-urban commuting had been observed during the past decade as rural sectors have contracted and as rural areas have increasingly become residential areas.

In the 1960's the region worked in strong sectors such as shipbuilding, engineering and textiles but since that period the region has experienced vigorous economic restructuring. Even if a lot of jobs were created in the late 1990's the region still suffer of high levels of unemployment. The North East has profited of the growth of England since the past decade but at a lower rate than the rest of England. Manufacturing jobs are still declining (jobs with high Gross Value Added), while service sectors jobs had increased. To develop high value adding sectors the region needs investment in Research and Development to develop new markets, process and innovations.

Another problem of the region is that skill levels remain low compared to England even if workforce qualifications has improving. Because of a significant influx of migrant workers in the region its working population is remain stable but the population of pension age is higher than in the rest of England. But almost a quarter of the region workforce is economically inactive, mainly people aged under 19 and over 50, which is 20% higher than in the rest of England. Moreover, the region has low levels of enterprise and productivity; it is also a small regional market which has weakness in human resources (4 fundamental characteristics). This distinguishes the North East from England even if the region has made progress in the last ten years.

About the environment, the region has good natural amenities like national parks, coastlines and improved cultural facilities which give the region a strong tourism potential.
(Government Office of the North East, 2007a)

The Regional Economic Strategy, RES, (Government Office of the North East, 2007a), of the North East region has identified three levels of priorities which are: business, people and place. Increasing GVA per capita towards 90% of the UK average, in the North East region, is the global objective of the programme. This goal leads to actions like increasing business density and productivity, improving environmental management and energy efficiency, and enhancing participation of residents of disadvantaged areas.

This leads to three priorities which are listed in the Strategy for the North East of England regional programme 2007-2013, which are:

- Priority 1: Enhancing and exploiting Innovation
- Priority 2: Business growth and Enterprise
- Priority 3: Technical Assistance

The 2 operational priorities are a partial response to the 4 fundamental characteristics of the economy given above.

Priority 1 highlights 2 field of action. The first one is the support for innovation and technology-led sectors. Sectors like energy, environment, health and process industries will be the priorities of technology based sectors. The second one is the exploitation of science base: knowledge of businesses from universities and other organisations will be commercialised. Priority will be given to projects that demonstrate meaningful integration of equal opportunities, of the environment and that contribute to balanced spatial development and reduction of economic disparities in certain areas.

Priority 2 highlights 2 fields of action to provide new job opportunities and safeguard existing ones. The first one is cultivating and sustaining enterprise, including social enterprise. Support will be given the creation of enterprise, especially in economic inclusion areas and those which would promote and adapt to minorities (women, migrants,...) The second one is enhancing the competitiveness and growth of existing businesses. Help will be given to individual businesses to improve their sustainability and competitiveness.

Indicators of those priorities will be divided into 3 issues: outputs, results and impacts.

Priority 3 will support the programme work by managing, monitoring and evaluating the programme by the programme monitoring committee.

Some transversal themes are also important in the programme, called cross-cutting themes. Indeed, environmental sustainability needs to be part of the programme thought improvement of the climate change, resource efficiency, biodiversity and landscape. Moreover, equality and diversity between people is recognised as a transversal theme, as well as spatial cohesion.

(Government Office of the North East, 2007a)

4.1.2 The RES of Nord Pas-de-Calais region in France

Before presenting the region itself and program, let's see what the planning system was.

For 3 months, beginning in April 2006, 5 working groups were composed to know more about the region needs, that is to say:

- Research, Innovation and Economic development
- Accessibility (split in Transports and Information and Communication Technologies)
- Employment
- Environment and Risks prevention
- Territorial development

Then from September to November, strategy, for Nord Pas-de-Calais, was defined. Moreover, working groups prepared the environmental report and then the consultation, which lasted a month, from end November to end December. 14 organizations gave their opinion on the program, including the Direction Régionale de l'ENvironnement (DIREN) that is to say the environmental agency of the region.

By now, the decision about the program has not been decided yet.

The program is made of 3 different parts:

- a regional diagnosis, (Préfecture de la région Nord Pas-de-Calais, 2006a)
- a regional strategy, (Préfecture de la région Nord Pas-de-Calais, 2006b)
- action sheets, (Préfecture de la région Nord Pas-de-Calais, 2006c), which explains the axes

The regional diagnosis (Préfecture de la région Nord Pas-de-Calais, 2006a) points a general vision of the region explaining the spheres of activities of the ERDF and the challenges of the region. It is then possible to know more about the region by giving significant indicators.

The Nord Pas-de-Calais region represents 6,7% of the French population on 2,3% of the French territory. Inhabitants lives at 95% in urban spaces which are more than French level. But this region suffers because of unemployment (4 points more than in France) especially for women. The human development indicator shows that this region has a lack of 10 years compared to the rest of France. This region used to be very industrialised with mines, textiles and iron and steel industry, but since the 1960's the region had to face a brutal transformation. Its jobs had been transferred to tertiary sector and industrialised sectors such as metallurgic industries and agro alimentary. This fragile local dynamism is penalised by a lack of research, a lack of entrepreneurial spirit and a lack of strategic employments. However, the region has powerful networks of transport especially for the railway through Europe, but it could be improved with other European countries as the region is in the center of 4 big European capitals (Paris, London, Randstad and the Ruhr).

In the spheres of activities of the ERDF, environment, development in the region, economy and territory and network are taking into account. Indeed, Nord Pas-de-Calais is one of the densest areas but also with a lot of ecological interest such as fauna and flora. Water is also a big problem due to an industrial history were lots of areas has been polluted. Moreover the region is the one which uses the more energy in France.

Because of all its characteristics, the challenges are the creation of tomorrow's sustainable development, helping the economic improvement, overcoming the after-effects of the past and giving an equal chance to everyone on the territory as there are great differences. (Préfecture de la région Nord Pas-de-Calais, 2006a)

The regional strategy report, (Préfecture de la région Nord Pas-de-Calais, 2006b), presents the axes of the operational program of the Nord Pas-de-Calais region. There are 4 axes that are more detailed in the action sheets report (Préfecture de la région Nord Pas-de-Calais, 2006c). It also gives the financial repartition by axes, the transversals priorities and the compulsory indicators for monitoring.

In according to the diagnosis the first axe is about "Research and Development, Innovation, Company's policy". It is divided into 2 parts: reinforcing research and innovation regional potential and facilitate employment and competitiveness in the regional industry. This axe is about developing poles of research that are turned to the international. Those poles of research should also be helped when working with laboratories and companies. It also aims at helping companies to get created and developed those which are innovative and with a strong growth.

The second axe is named "Environment, Sustainable practices and Risks prevention". As it is said in the diagnosis, strong pressure on the environment exists in Nord pas-de-Calais with

technologic or natural risks, that is to say pollution as well as floods. In consequence, the major strategy is to improve the environment by preserving, extending and developing natural environments. Another element of second axe's strategy is to support, financially, environmental excellence in the private and public sector as sustainable development is one of the region's pole of excellence. A transversal priority has been made in favour of the environment. Indeed, for some projects, the financial help will also depend on environmental criteria to make sure of an improvement of the environment and not a degradation of it.

The third axe is dealing with "Accessibility", and is divided into 2 parts: transports and information's society. In terms of transport, it is important for the region that accessibility is been developed even if the region already has a great network of railways, highways and roads. The region needs to improve its river systems and also to facilitate people's mobility, with environmental friendly transports, especially in the most unprivileged territories. For the information's society part, the region has a rather good telecommunication network but wants to improve it in isolated areas.

The fourth axe is named "Territorial sector" which is also divided into 2 parts: social cohesion and regional excellence. Social cohesion is about developing and improving proximity services for rural and significant areas. The region wants also to continue the wok done to treat degraded areas. By regional excellence, the region Nord Pas-de-Calais wants to support some few headlights projects for the retraining of urbanized sites.

Another transversal priority of the whole program is the chance equality between men and women for employment and regional competitiveness. No specific actions are done but the equality in work will be measured every time it will be needed.

The last part of the regional strategy report is about compulsory indicators for monitoring and evaluation. The European Commission edited a list of 41 compulsory indicators but the Nord Pas-de-Calais region kept only 17 of them in the operational program such as employment, information's society, climatic changes, research and development, environment and fight against exclusion. Those indicators had been compiled by other national ones.

(Préfecture de la région Nord Pas-de-Calais, 2006b and Préfecture de la région Nord Pas-de-Calais, 2006c)

4.2 The Strategic Environmental Assessment of the Regional Economic Strategies

In this section the SEA process is been studied, but a closer look is done by studying the environmental reports of the 2 regions' RES.

4.2.1 Environmental report of the North East region's RES

The environmental report, (Government Office of the North East, 2007b), is organized in chapters with the outcomes (which is the non technical summary), the methodology, the background, the environmental objectives baseline and context, issues and options of the programme, the evaluation of it and its implementation.

The technical summary (Government Office of the North East, 2007b) includes the key outcomes that is to say the key conclusions and also questions on how to comment on the report. This leads to a very brief summary of the report completed with a table on the previous recommendations. But a longer non technical summary exists (Government Office of the North East, 2007c), which takes its information from the operational report (Government Office of the North East, 2007a), and the environmental report (Government Office of the North East, 2007b).

The methodology (Government Office of the North East, 2007b) of the SEA report was to focus on global objective of the programme, the priorities and field of action, the cross-cutting themes and issues around implementation. The evaluation of the programme's objectives, detailed in the evaluation chapter, is made with a code saying the significant effect is positive, minor positive, neutral, negative or if there is an uncertainty depending on what is done how and where. This SEA report has been consulted by a study group with representatives of the Environment Agency, the Regional Assembly, Natural England, English Heritage, Government office North East and One North East.

The background points out the purpose of the SEA process and the environmental report by giving some extract of the SEA Directive itself and the Practical guide. The operational programme objectives are also pointed out by re-giving both priorities and their fields of actions, the cross cutting themes equality and the part of the environmental sustainability. At the end of the background, the compliance of the environmental report, (Government Office of the North East, 2007b) is demonstrated.

The next chapter is dealing with environmental objectives, baselines and context. In this section it is described:

- the links to other strategies and sustainable development with former report such as Securing the Regions' Future in 2006 and its 16 recommendations; and the Integrated Regional Framework for the North East in 2004. There is also a summary of the North East region's RES, spatial strategy and the strategy for the environment
- a description of the baseline characteristics and predicted characteristics for the topics identified in the SEA Directive with areas of particular environmental interest
- the difficulties in collecting data and limitation of data, due to the non well understanding of the scope
- the SEA framework
- the main sustainability issues and problems identified such as achieving one planet living, reducing regional disparities, ...

Then the report enhances issues and options by developing the operational programme. It is explained how it has been decided to have only 2 priorities rather than 4 like it was given in August 2006. Having only 2 priorities has been seen as "the only reasonable alternative for the North East" (Government Office of the North East, 2007b pp 52).

Then the operational programme is being evaluated, and the chapter considers the potentially significant environmental effects of the preferred options for both priorities and their fields of actions. The environmental problems have also been taken into account with the cross cutting theme but as the operational programme is not a definitive set of projects, there is a lot of uncertainties. However, the operational programme is done in a way "there are non unforeseen environmental risks" (Government Office of the North East, 2007b pp 59). Tables summarise the objectives and their anticipated effects with the code explain in the methodology, but also potential cumulative effects and some recommendations.

The last chapter is about the implementation of the operational programme, that is to say it considers links to other tiers of plans and programmes and the project level classified by topics. Moreover, factors to be monitored are mentioned but there is not a list of indicators given.

4.2.2 Environnemental report of the Nord Pas-de-Calais region's RES

The environmental evaluation, (Préfecture de la région Nord Pas-de-Calais, 2006d), aims at consolidate the taking into account of the environment in european programmes by:

- identifying the principal potential effects on the environment
- appreciating the level of taking into account of the environment in the programme project

- reinforcing the taking into account of the environment of certain actions
- preparing future evaluations with follow-up indicators

The environmental evaluation (Préfecture de la région Nord Pas-de-Calais, 2006d) has been done by 5 study groups to evaluate predictable incidences on each project of actions classes. Recommendations had been integrated with sheets presenting actions classes. This work highlighted the necessity of an environmental axe, axe number 2, and also the necessity of an environmental transversal priority.

The environmental stakes of the region Nord Pas-de-Calais are divided into 3 transversal stakes and 7 thematic ones, which are:

- space economy and land recycling
- environmental culture and eco-citizenship
- the environment, development factor
- safe guarding and re-conquest of natural spaces and biological diversity
- water resources strongly subjected to pollution, a degradation of their quality which constrained their exploitation
- natural risks all over the territory
- air, energy and climate change: transport and peri-urbanization impact
- stakes related to the industrial activity: technological risks and polluted grounds
- important layers of waste
- sound harmful effects related to a dense network of infrastructures

For each stakes an explanation sheet has been made with a recall of the key elements of the current situation and tendencies of evolution with a simple code. Statistical data with illustrated maps are also given.

Then the environmental evaluation (Préfecture de la région Nord Pas-de-Calais, 2006d) analyze estimated incidences on the environment of the programme's actions. The goal is to answer questions like: the action's contribution is direct or indirect to the taking into account of the stake? If not, can it contribute?; Has it potential negative impacts on the stake? If yes, how is it possible to reduce them? Results of this analyze is made through tables with a code telling if the incidences is positive, positive or neutral, neutral, negative or neutral, negative for each axe.

Follow an explanation on how the environment is taken into account in the programme, with the second axe and the transversal priority. The report insists on sustainable development and environmental excellence. Moreover, for each of the 10 stakes, estimated incidences are given and also the way the programme is going to deal with positives and negatives impacts and also the coherence between actions of the axes. Finally, it is explained how the transversal priority is going to be implemented, criteria to be taken into account and follow up indicators (context, realization, results).

At the end of the report, two pages are devoted to a summary of the environmental evaluation which is the non-technical summary even if it is not the name given.

(Préfecture de la région Nord Pas-de-Calais, 2006d)

4.3 Consultation

4.3.1 SEA of the North East region's RES

About the consultation, the only document available is the consultation questions and the response form (Government Office of the North East, 2007d). There are 12 questions about the operational programme concerning the analysis, the strategic directions, programme priority, cross cutting themes, integration and the implementation of the operational programme. Moreover there are 3 questions on the SEA report (Government Office of the North East, 2007b).

4.3.2 SEA of the Nord Pas-de-Calais region's RES

About the consultation what is only available is the opinion of the DIREN Nord Pas-de-Calais (Préfecture de la région Nord Pas-de-Calais, 2006e). In the analysis on the environmental report (Préfecture de la région Nord Pas-de-Calais, 2006d), DIREN believes that this report is complete and relevant concerning the initial state and the analysis of incidences of the programme on the environment. But DIREN points out that no justification has been found to know why this project had been adopted. Moreover, in the environmental does not give all the information for the follow up such as the frequency of information and the first state of indicators before the implementation of the programme. To the DIREN, a carbon assessment would be judicious.

Then follows an analysis on the taking into account of the environment in the operational programme. DIREN believes the amount on money for axe 2 is quite low compared to the regional diagnosis but, saying also that, actions with environmental purpose only represents 1/6 of the operational programme.

DIREN also points out some small discordance and the good correlations between the diagnosis and the operational programme. An analysis has also been done axe by axe: in a global way, DIREN believes the environmental report is well done even if it is pointed out that some potentially positive aspect are not well mentioned, no indicators have been created for a follow up of CO₂ emissions.

Finally, DIREN gives its opinion on the environmental report: “It is it is in conformity with the provisions of the code of the environment (...) Information and recommendations in this report are relevant (...) but partially satisfying considering the taking into account of the environmental transversal priority” (Préfecture de la région Nord Pas-de-Calais, 2006e pp 7).

4.4 Analysis and Results

On the programme, both regions have done it in a very similar way. Indeed, first they present their region with some indicators about employment and the region development. In this part, regions identify their own weakness and strength. According to their conclusions, on weakness and strength, they identify their own objectives to improve the whole region in different areas. We can notice that the region Nord Pas-de-Calais programme is more explicit concerning those indicators, showing the region's weakness and strength, as it is presented at a more detailed level. This can be explained by the fact that the French region seems to be in a more critical state than the English region. Indeed, England has made lots of progress concerning employment and business activities in the recent years, and even if the North East region has not made as much progress as the rest of England, it has benefited from it. Then, strategy report follows in the operational report, explaining priorities of the region and how they are going to deal with it. Once again, their priorities are quite similar and in accordance with the SEA Directive. Indeed, the SEA Directive insists on making environment and employment two major priorities in regions. Moreover, the SEA Directive is also in major of measures that would, for example, bring more equity and equality between people whatever their origins

What is relevant at first sight is that the environmental report of the North East follows exactly the possible structure given by the UK (Practical guide to the SEA Directive, 2005), so it is very clear by reading the report's contents that nothing is missing. Indeed, the North East region seems to have following the “possible structure and contents of the Environmental report” table (Office of the Prime Minister, 2005 pp 36). Even titles are the same and under those titles there the explanation we are waiting for, so it is possible to say that nothing is missing in the Environmental report. It can be noticed that in the environmental report, the non technical

summary is very short: it is a kind of a summary of the non technical summary as it exists a non technical summary report a little more detailed. Moreover Stage A and B are included in the environmental report, in a briefly way, in the introduction.

On the opposite the French environmental evaluation is not so clear, even if every part that should be in it is actually in it. Indeed, in the circulaire, it is said that, in the environmental evaluation, there should be the opinion of Préfet on the accuracy degree of information that should contain the environmental evaluation which is not in the environmental evaluation. The context of the evaluation is given but it is not said it is coming from the Préfet so it is not really clear. It is also missing, explanations on why this project has been chosen, what the others were and why they were not good enough. Moreover, the opinion of the Préfet on the environmental evaluation is not done or not available as we only have the opinion of the DIREN. Finally, for both projects, documents on consultation and follow up are not available yet, but we can say that the North East region will do the consultation part as they already did the questionnaire, contrary to what Therivel said.

If we compared the 2 projects, it is clear that the North East region has done a better job than the Nord Pas-de-Calais did, as nothing is missing in the North East region environmental report. However, lacks in the Nord Pas-de-Calais environmental evaluation may be fulfilled as the DIREN points out those lacks.

5. Discussion

This study may be quite surprising as some authors believed France will have difficulties implementing the SEA Directive (Imperial College London, 2004). But finally they did what the EU asked and implemented the SEA Directive. Even if the first SEAs are not perfect, it is encouraging for future ones. Moreover, a study points out that European countries did not have the same approach to the SEA process. This is shown by a study (Fisher Gazzola, 2004) with the number of publications by country on SEA. All European countries have less than 4 publications in 2002 except UK with 15. This proves how the UK was interesting in implementing the SEA Directive, and that is why the case study on the North East region is very well done. Moreover “practices from the UK were the most frequently considered” (Fisher Gazzola, 2004). At the opposite, Italy seems to be a bad country for applying the SEA Directive because of poor performance in SEA criteria and also with very small contribution to international SEA literature.

But this study is not totally complete as some documents are not available for the moment. However it allows a good overview on what two important countries in the EU are capable of concerning the SEA Directive. Not a lot of studies compare what is happening in European countries, but this should be considered, as a lot can be learnt from this kind of comparison. Indeed, good case study may be done in countries but also, misunderstanding of the SEA Directive can be highlighted from those comparisons. Looking to what other countries has been done may also help some. For example, Tourjansky in the personal communication do not exclude to have a look at the UK guideline concerning SEA process in the transport and energy sectors in order to save time.

Concerning the methodological choices, calling people in France and UK was a good thing as some informal and useful information were given and were seen as shortcuts in the project. Information was then trustable. Indeed, most of the information sources were issued from government offices or valid thesis.

6. Conclusions

To conclude this study, it seems important to go back to the research questions asked at the beginning of it.

Indeed, the first questions referred on the interpretation of the SEA Directive in France and the UK. The study shows that the interpretation was quite similar by explaining how should be done a SEA process and what information should be in the environmental report. Moreover, the practical guideline and the circulaire are in accordance with the original text law, that is to say the SEA Directive. They both insist on the fundamentals of the SEA Directive like the environmental report and the consultation part, as well as alternatives to the plan or programme.

The second question dealt more with the application of the SEA Directive in France and UK. By studying SEAs performed on two RES in France and UK, the study highlighted more differences between the two countries even if a lot in the two RES' are quite similar. However, the North East region made a more precise work than the Nord Pas-de-Calais did. Indeed, as studied before, the North East SEA is more complete whereas in the Nord Pas-de-Calais SEA, as the DIREN points out, there is some lacks in the environmental report. For example, explanations about what alternatives options have been considered are missing.

Finally, those major differences are, for some point, due to their interest in the SEA Directive. As France already had a kind of SEA, they did not put as much effort as the UK to have a good and appropriate SEA process. It is partly proved by the relatively few number of publication and case studies in France.

References

EU, 2001a: Directive 2001/42/EC, Directive of the European parliament and the council on the assessment of the effects of certain plans and programmes on the environment

EU, 2001b: Summary of the Requirements of the SEA Directive (2001/42/EC)

Fisher Gazzola, 2004. SEA effectiveness criteria – equally valid in all countries? The case of Italy

Government Office of the North East, 2007a, Competitiveness and Employment ERDF, operational programme document 2007-2013

Government Office of the North East, 2007b, Strategic Environmental Assessment for the North East of England ERDF operational programme 2007-2013

Government Office of the North East, 2007c, Strategic Environmental Assessment for the North East of England ERDF operational programme 2007-2013, non technical summary

Government Office of the North East, 2007d, North East of England ERDF operational programme 2007-2013, Consultation response form and Consultation questions

Imperial College London, 2004, The relationship between EIA and SEA Directives

Ministère de l'Écologie et du Développement Durable, 2006, DEV D 0650164C, Circulaire Direction des études économiques et de l'évaluation environnementales

Moulin, 2002, Ministère de l'Équipement des Transports et du Logement Direction Générale de l'Urbanisme, de l'Habitat et de la Construction

Office of the Prime Minister, 2005, Practical guide to the SEA Directive: practical guidance on applying European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”

Préfecture de la région Nord Pas-de-Calais, 2006a, Regional diagnosis, Operational program, Competitiveness and employment, Nord Pas-de-Calais

Préfecture de la région Nord Pas-de-Calais, 2006b, Regional strategy, Operational program, Competitiveness and employment, Nord Pas-de-Calais

Préfecture de la région Nord Pas-de-Calais, 2006c, Action sheets, Operational program, Competitiveness and employment, Nord Pas-de-Calais

Préfecture de la région Nord Pas-de-Calais, 2006d, Environmental evaluation of the operational programme ERDF 2007-2013

Préfecture de la région Nord Pas-de-Calais, 2006e, Environmental authority's Opinion for the environmental evaluation of the Operational programme 2007-2013, Nord pas-de-calais

Rodier, 2007, Ecology ministry in France, phone interview

Sheate, Byron and Smith 2004, Implementing the SEA Directive: sectoral challenges and opportunities for the UK and EU

Therivel, 2007, personal communication, visiting professor at Oxford Brookes University's School of Planning

Tourjansky, 2006, personal communication, Bureau infrastructures des transports et de l'aménagement at the Ecology Ministry in France

Wikipedia, 2007a, <http://en.wikipedia.org> (2007/03/19)

Wikipedia, 2007b, <http://en.wikipedia.org> (2007/04/16)

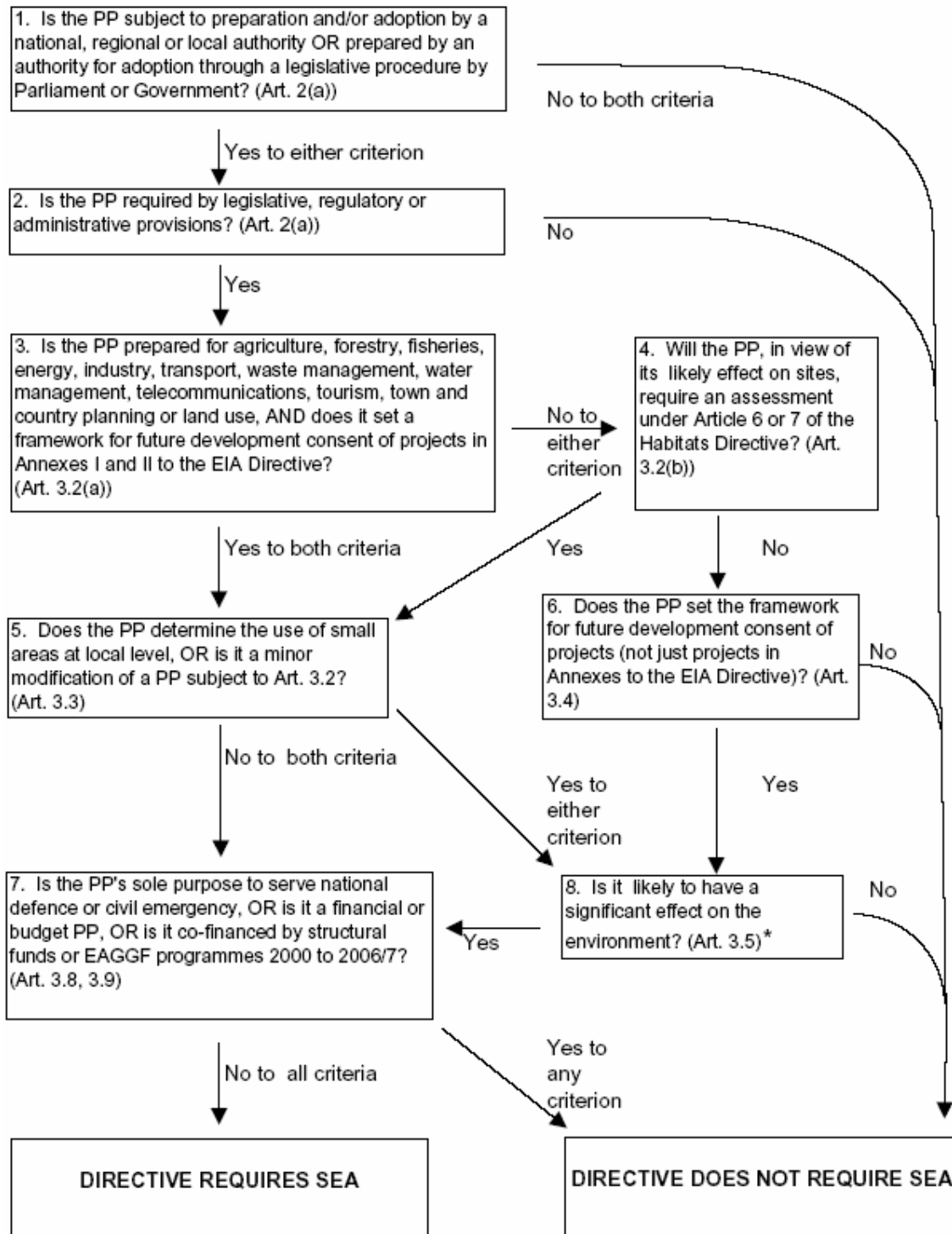
Appendix

Appendix 1: Criteria of the SEA Directive for application to plans or programmes

Appendix 2: Stages in the SEA process in UK

Appendix 3: Relationship between the SEA Tasks in UK

Appendix 1: Criteria of the SEA Directive for application to plans or programmes



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

Appendix 2: SEA stages and tasks Purpose

Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope	
Identifying other relevant plans, programmes and environmental protection objectives	To establish how the plan or programme is affected by outside factors, to suggest ideas for how any constraints can be addressed, and to help to identify SEA objectives.
Collecting baseline information	To provide an evidence base for environmental problems, prediction of effects, and monitoring; to help in the development of SEA objectives.
Identifying environmental problems	To help focus the SEA and streamline the subsequent stages, including baseline information analysis, setting of the SEA objectives, prediction of effects and monitoring.
Developing SEA objectives	To provide a means by which the environmental performance of the plan or programme and alternatives can be assessed.
Consulting on the scope of SEA	To ensure that the SEA covers the likely significant environmental effects of the plan or programme.
Stage B: Developing and refining alternatives and assessing effects	
Testing the plan or programme objectives against the SEA objectives	To identify potential synergies or inconsistencies between the objectives of the plan or programme and the SEA objectives and help in developing alternatives.
Developing strategic alternatives	To develop and refine strategic alternatives.
Predicting the effects of the plan or programme, including alternatives	To predict the significant environmental effects of the plan or programme and alternatives.
Evaluating the effects of the plan or programme, including alternatives	To evaluate the predicted effects of the plan or programme and its alternatives and assist in the refinement of the plan or programme.
Mitigating adverse effects	To ensure that adverse effects are identified and potential mitigation measures are considered.
Proposing measures to monitor the environmental effects of plan or programme implementation	To detail the means by which the environmental performance of the plan or programme can be assessed.
Stage C: Preparing the Environmental Report	
Preparing the Environmental Report	To present the predicted environmental effects of the plan or programme, including alternatives, in a form suitable for public consultation and use by decision-makers.
Stage D: Consulting on the draft plan or programme and the Environmental Report	
Consulting the public and Consultation Bodies on the draft plan or programme and the Environmental Report	To give the public and the Consultation Bodies an opportunity to express their opinions on the findings of the Environmental Report and to use it as a reference point in commenting on the plan or programme. To gather more information through the opinions and concerns of the public.
Assessing significant changes	To ensure that the environmental implications of any significant changes to the draft plan or programme at this stage are assessed and taken into account.

Making decisions and providing information	To provide information on how the Environmental Report and consultees' opinions were taken into account in deciding the final form of the plan or programme to be adopted.
Stage E: Monitoring the significant effects of implementing the plan or programme on the environment	
Developing aims and methods for monitoring	To track the environmental effects of the plan or programme to show whether they are as predicted; to help identify adverse effects.
Responding to adverse effects	To prepare for appropriate responses where adverse effects are identified.

Appendix 3: Stages of SEA

