



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

NATIONAL GUIDELINES FOR STRATEGIC ENVIRONMENTAL ASSESSMENT IN KENYA

SEA
KENYA

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FOREWORD

According to the Environment Management and Coordination Act, 1999, the National Environment Management Authority (NEMA) coordinates and supervises environmental matters and is the principal instrument of government in the implementation of all environmental policies. A key objective of NEMA is to identify projects, programs, plans, and policies that require environmental assessment and remedial measures. The Environmental Impact Assessment (EIA) process inadequately deals with cumulative, synergistic, secondary, and/or long-term impacts which can be addressed when policies, plans, and programs (PPP) are subjected to a Strategic Environmental Assessment (SEA) process. SEA can analytically and systematically integrate environmental issues into PPP formulation through a rigorous stakeholder engagement process among others.

The process started under the FORREMS programme funded by the USAID. Subsequently, a NEMA taskforce has continued the guideline-development process, incorporating stakeholder consultation, key-learning points from SEA practice in South Africa, and good-practice guidance for Development Corporation under the Development Assistance Committee (DAC) of the Organization for Economic Corporation and Development (OECD). This November 2011 version incorporates outputs from the DANIDA Consultancy Services for the Natural Resource Management Programme on SEA, which has been working with NEMA staff, Lead Agencies, and private consultants on SEA training and guidelines.

These guidelines outline the SEA concept, principles, basic steps, and expected outputs and outcomes of an SEA process. It is my hope that the National Guidelines for Strategic Environmental Assessment contribute to a more in-depth understanding and informs enhanced practice of SEA in Kenya. It is my sincere hope that every Ministry formulating policies and every institution developing plans and programs will use these guidelines.

MINISTER FOR ENVIRONMENT AND MINERAL RESOURCES

PREFACE

These guidelines are part of a series of environmental-management guidelines that fall under the Environmental Management and Coordination Act (EMCA), 1999 and the Environmental (Impact Assessment and Audit) Regulations, 2003.

The guidelines target a broad readership, including government agencies (responsible for decision making, formulating policies, and reviewing and commenting on environmental reports), environmental experts (involved in SEA practice), academics (interested in and active in the environmental assessment field from a research, teaching, and/or training perspective), civil society, and other interested stakeholders.

This guideline will give direction on how SEA practice in Kenya will be conducted using best practice approaches as adopted both during the drafting and subsequent reviews.

The guidelines focus on common approaches for SEA at national and sectoral levels.

PERMANENT SECRETARY

MINISTRY OF ENVIRONMENT AND MINERAL RESOURCES

DEFINITIONS

Agenda 21: A comprehensive plan of action to be taken globally, nationally, and locally by organizations of the United Nations' system governments and major groups that was agreed at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992.

Baseline data: Data that describes issues and conditions at the inception of the SEA. It serves as the starting point for measuring impacts and performance and is an important reference for evaluation.

Cumulative effects/impacts: Are combined or additive effects on the environment over time or space when added to other past, present, or reasonably foreseeable actions. The effects/impacts may seem insignificant in isolation, but collectively they are significant.

Environment Impact Assessment: The umbrella term for the process of examining the environmental risks and benefits of project-level proposals.

Ex ante assessment: An evaluation of the environmental feasibility of a PPP during the formulation phase, by looking at the expected or intended results of a PPP and predicting and extrapolating its potential significant impacts.

Ex post assessment: An evaluation of the results after PPP implementation. It provides an opportunity to assess the implementation of a PPP, consider alternatives, and adjust a PPP to avoid or enhance the results.

Indicator: A signal that reveals progress (or lack thereof) towards objectives; it provides a means of measuring what actually happens against what has been planned in terms of quantity, quality, and timeliness.

Irreversible Negative Impact: An impact that cannot be undone in time using reasonable means.

Iterative: The act of repeating a process usually with the aim of approaching a desired goal or target or result. Each repetition of the process is called an "iteration" and the results of one iteration are used as the starting point for the next iteration.

Lead Agency: means any Government Ministry, Institution, Department, Parastatal, State Corporation or Local Authority, in which any law vests functions of control or management of any element of the environment or natural resources

Limits of Acceptable Change: Extremes in environmental quality beyond which society would find further change unacceptable. LAC relates to a level of environmental quality

(usually biophysical) that is either desired or would be tolerated by society (often a qualitative value).
Policy: A broad statement of intent that reflects and focuses the political agenda of government and initiates a decision cycle. A general course of action or proposed overall direction that a government is or will pursue; a policy guides ongoing decision making.
Plan: A purposeful, forward-looking strategy or design, often with coordinated priorities, options, and measures that elaborate and implement policy.
Program: A coherent, organized agenda or schedule of commitments, proposals, instruments, and/or activities that elaborate and implement policy.
Scoping: The process of defining the extent and detail of an SEA, including the identification of strategic issues.
Stakeholder: Those who may be interested in, potentially affected by, or influence the implementation of a PPP. In the context of an SEA applied to development co-operation, stakeholders may include government, donor agencies, local communities, NGOs, and civil society.
Strategic Action – refers to the PPP i.e. the actual Policy, plan or program
Strategic Environmental Assessment (SEA): A range of analytical and participatory approaches that aim to integrate environmental consideration into policies, plans, and programs and evaluate the interlinkages with economic and social considerations.
SEA Expert: An expert registered and licensed as per the SEA Guidelines
Threshold: Levels that should not be exceeded; points at which irreversible or serious damage could occur, either to ecosystems and/or to social systems (health, safety, or wellbeing).
Tier: A layer or ranking in a hierarchy, as in policy, plan, or program.
Trade-offs: Refers to losing one quality or aspect of something in return for getting another quality or aspect. It implies a decision made with the full comprehension of both the up- and down-side of a particular choice.

ACRONYMS

ALARP	As low as reasonably practicable
DANIDA	Danish International Development Agency
EIA	Environmental Impact Assessment
EM&MP	Environmental Management and Monitoring Plan
EMCA	Environment Management and Coordination Act of 1999
EPS	Environment Programme Support - DANIDA
FORREMS	Forest Range Rehabilitation & Environmental Strengthening Project -USAID
IAIA	International Association for Impact Assessment
IAS	Interested and Affected Stakeholders
IEC	Independent Expert Commission (SEAs with trans boundary impacts)
SERC	Inter-Ministerial Committee on Environment
KNCP	Kenya National Cleaner Production Center
LAC	Limits of Acceptable Change
MDG	Millennium Development Goal
NEC	National Environment Council
NEMA	National Environment Management Authority
NRM	Natural Resource Management (Programme) - DANIDA
PPP	Policy, Plan, or Program
SEA	Strategic Environmental Assessment
SOE	State of the Environment Report
TAC	Technical Advisory Committee
TOR	Terms of Reference
UNEP	United Nation Environment Programme
USAID	United States Agency for International Development

ACKNOWLEDGEMENTS

A 'guideline' should be seen as a work in progress, and a document that is updated on a routine basis and as experience accumulates, as has been the case of developing these SEA guidelines.

The National Environment Management Authority (NEMA) under the USAID funded FORREMS engaged a consultant to prepare the preliminary guidelines [Environmental (Impact Assessment and Audit) Operational Guidelines and Administrative Procedures]. ¹.

The NEMA SEA-Task-Team and Lead Agencies, including all Government Ministries and relevant institutions, then revised the preliminary guidelines. The SEA-Task-Team included: Benjamin M. Langwen (Director Compliance and Enforcement, NEMA) (Chair); Ties Van Kempen (EPS); Zephaniah Owuor Ouma (Deputy Director Compliance, NEMA); David Ongare (Deputy Director Education, NEMA); Wilkister Magangi (Chief Compliance Officer, NEMA); Samuel Munene (Principal Compliance and Enforcement Officer, NEMA); Jane Nyandika (Senior Compliance & Enforcement Officer, NEMA); Christine Baari (Senior Legal Officer, NEMA); Naomi Gitau (Senior Compliance and Enforcement Officer, NEMA); Marrian Mutete Kioko (Senior Compliance and Enforcement Officer, NEMA); Maureen Njeri (Compliance and Enforcement Officer, NEMA); Grace Maina (C&E, NEMA). Elizabeth Ndungu provided invaluable secretarial services and Gabriel Vincent Sanya contributed graphic design and editorial comments. NEMA management provided substantive guidance, advice, and managerial assistance to the Task Team. Danida's Environment Programme Support (EPS) funded the work of the Task Team.

¹ FORREMS is the acronym for the Forest Range Rehabilitation and Environmental Strengthening Project funded by the United States Agency for International Development (USAID).

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DIRECTOR GENERAL

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

TABLE OF CONTENTS

FOREWORD	ii
PREFACE	iii
TABLE OF CONTENTS.....	ix
STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA).....	- 14 -
1.0 INTRODUCTION.....	- 14 -
1.1 SEA Definition and Legal Framework.....	- 14 -
1.2 THE RANGE OF OBJECTIVES FOR SEA PROCESSES	- 15 -
1.3 Basic Principles for SEA	- 16 -
1.4 SEA Benefits at a Glance.....	- 17 -
2.0 SEA PROCESS.....	- 19 -
2.1 Factors Associated With Successful SEA Processes.....	- 19 -
3.0 STAGES AND STEPS FOR UNDERTAKING SEA AT POLICY-, PLAN-, AND PROGRAM-LEVEL.....	- 20 -
3.1 The Sea Process at a Glance (Actions & decisions)	- 22 -
Flowchart 1: SEA Process Actions & Decisions.....	- 25 -
4.0 STAGE 1: ESTABLISH THE NEED AND THE CONTEXT FOR THE SEA.....	- 26 -
4.1 Screening	- 27 -
4.2 establishing the context for the sea.....	- 29 -
4.2.1 Understanding the PPP	- 29 -
4.2.2 Other Preparatory Tasks.....	- 31 -
5.0 STAGE 2: IMPLEMENTING THE SEA	- 32 -
5.1 Scoping in SEA.....	- 32 -
5.1.1 GENERAL OUTPUTS EXPECTED FROM A SCOPING PROCESS	Error! Bookmark not defined.

5.1.2	SEA Objectives, Targets, Indicators, and Criteria.....	- 34 -
5.1.2.1	Limits of Acceptable Change (LAC)	- 34 -
5.1.3	Stakeholder Identification and Participation Issues.....	- 35 -
5.1.4	Identifying Alternative Policies, Plans, or Programs.....	- 37 -
5.1.5	Submission and Review of a Scoping Report.....	- 39 -
5.2	The Detailed SEA Study and Draft SEA Report	- 40 -
5.2.1	Collecting Baseline Information.....	- 40 -
5.2.2	Situation Analysis	- 41 -
5.2.3	Identifying and Predicting Impacts, and Evaluating Significance	- 42 -
5.2.4	Comparing Alternatives	- 43 -
5.2.4.1	Developing scenarios to assist in the comparison of alternatives	- 43 -
5.2.5	Identifying Measures to Enhance Opportunities and Mitigate Adverse Impacts.....	- 44 -
5.2.5.1	Trade-Offs.....	- 46 -
5.3	Draft Report on the Findings of the SEA.....	- 49 -
5.3.1	Project Owner's Quality Assurance on the Draft SEA Report	- 50 -
5.3.2	Submission of the Draft SEA Report.....	- 50 -
6.0	STAGE 3: INFORMING AND INFLUENCING DECISION MAKING	- 51 -
6.1	The SEA Review Process in General	- 51 -
6.2	THE VARIOUS TYPES OF REVIEWS	- 52 -
6.2.1	Internal Review by NEMA	- 52 -
6.2.2	Stakeholder Reviews	- 52 -
6.2.2.1	Public Review	- 52 -

6.2.2.2	Review by Relevant Authorities	- 54 -
6.2.2.3	Review by Expert Committee.....	- 54 -
6.3.	Corrections to the Draft Report and Validation Workshop	- 54 -
6.4	Preparation of the Final SEA Report.....	- 55 -
6.5	Submission of Final SEA Report.....	- 55 -
6.6	Making Recommendations to Decision Makers.....	- 56 -
6.6.1	Policy-level SEA.....	- 56 -
6.6.2	Plan- or Program-level SEA.....	- 56 -
6.7	Decision-Making Time Frame	- 57 -
7.0	STAGE 4: MONITORING AND EVALUATION	- 58 -
7.1	Monitoring the Implementation of the PPP	- 58 -
7.2	Evaluation of the SEA and the PPP.....	- 58 -
7.2.1	Role of evaluation	- 59 -
	REFERENCES	- 61 -

ANNEXES

Annex 1: Best-practice Integrated SEA Model.....	- 62 -
ANNEX 2: THE PPP SCREENING form USED BY NEMA.....	63
Annex 3: Criteria for determining the likely significance of effects referred to in Article 3(5) of the Directive 2001/42/EC of the European Parliament and of the Council of 27/6/2001	65
Annex 4: Example of Policy Reforms, Potential Environmental Linkages, and Mitigation Measures.....	66
Annex 5: Table of Content of the SEA Report.....	68
Annex 6: Strategic Environmental Assessment (SEA) Form.....	70
Annex 7: Consolidated Checklist for THE Quality Assurance, Review, and Performance Evaluation OF A COMPREHENSIVE SEA.....	72
Introduction.....	74
Proposed Review Procedure.....	76
Review of Scoping.....	77
1. Scoping	77
General Review of the SEA Report	80
2. General Review of the SEA Report	80
Detailed Content Review.....	82
3. Description of the Proposal (+ links)	82
4. Policy and legal framework and relationship to other PPPs	83
5. Environmental baseline description	84
6. Determination of impact significance & evaluation of alternatives / options	85
7. Mitigation & Environmental Management & Monitoring Plan (EMMP)	87
8. Consultation process (during scoping, the SEA study, the SEA review, and during implementation and monitoring)	89
Outcome Review.....	90
9. Decision-making	90
10. IAIA SEA Process Review	92
11. SEA Performance Review: Implementation, Monitoring, & Evaluation	93

LIST OF TABLES

Table 1: Basic Stages in SEA and Main Sub-steps.....	- 22 -
Table 2: SEA at A Glance: Actions & Decisions.....	- 23 -
Table 3: Hierarchy of Alternatives.....	- 38 -
Table 4: Importance or Form of recognition.....	- 42 -
Table 5: Rating Importance.....	- 42 -
Table 6: Gibson's (2005) General Trade-off Rules	- 48 -

LIST OF FIGURES

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

1.0 INTRODUCTION

SEA HISTORY

Strategic Environmental Assessment (SEA) approach of environmental assessment has development overtime. Since 1969 (USA – NEPA) has EIA practices with some SEA in them. However, SEA (more strongly) emerged in the 1990s; now it has spread worldwide to all developed many newly industrializing, & quite a few developing countries.

SEA is emerging in many other developing countries; a few have formal SEA systems; some are proposing to introduce; many have some SEA elements). Currently there is also a broad consensus on the need and principles (e.g. e.g., IAIA, Paris Declaration); there are also international frameworks (e.g., EU Directive on SEA; Espoo Convention Protocol) to guide the SEA process. However it is generally agreed that SEA is still a learning process.

Strategic Environment Assessment (SEA) is relatively new in Kenya. The Environmental (Impact Assessment and Audit) Regulations, 2003 mentioned that lead agencies should subject all public policies, plans and programmes to strategic Environmental Assessment. However, even after gazettment of the Regulations emphasis was placed on the equally new Environment Impact Assessment (EIA) and Environmental Audits (EA). Strategic Environment Assessment took a back seat as there was minimal expertise in the country. A number of SEAs where carried out in the country including Kenya Forest Act which was not submitted to NEMA but was submitted to donors who had requested them. To date NEMA has received about 15 SEAs.

1.1 SEA DEFINITION AND LEGAL FRAMEWORK

Strategic Environmental Assessment (SEA) refers to a range of analytical and participatory approaches to integrate environmental consideration into policies, plans, or programs (PPP) and evaluate the interlinkages with economic and social considerations. SEA is a family of approaches that uses a variety of tools, rather than a single, fixed, prescriptive approach. The SEA process extends the aims and principles of Environmental Impact Assessment (EIA) upstream in the decision-making process, beyond the project level, when major alternatives are still possible (UNEP 2002). Consistent with Agenda 21 principles, SEA is a proactive approach to integrate

environmental considerations into the higher levels of decision-making.

During an SEA process, the likely significant effects of a Policy, Plan, or Program (PPP) on the environment are identified, described, evaluated, and reported. The full range of potential effects and impacts are covered, including secondary, cumulative, synergistic, short-, medium- and long-term, permanent, and/or temporary impacts.

Lead Agencies, public and private institutions as well as individuals (in consultation with the National Environment Management Authority -NEMA) may initiate the SEA process .

Regulation 42(3) commits the Government and all Lead Agencies to incorporate principles of SEA in the development of public sectoral, national, and regional policies.

1.2 THE RANGE OF OBJECTIVES FOR SEA PROCESSES

SEA aims to systematically integrate environmental considerations into policy, planning, and decision-making processes. The environmental information derived from the examination of proposed PPPs can be used to support decision-making and to:

- § Better ensure that a proposed PPP is compatible with sustainable environmental planning and management;
- § Ensure the consideration of alternative policy options, including the do-nothing option, at an early time when an agency has greater flexibility;
- § Enhance the consistency of a PPP across different policy sectors, and when relevant, make explicit the trade-offs to be made between different sectoral policy objectives;
- § Evaluate the regional environmental impacts of multi-sectoral developments over a specified time;
- § Support decision-making and incorporate emerging environmental issues into sustainable development
- § Guide investment programs that involve multiple sectoral policies or sub-projects;
- § Assess the environmental impacts of policies that do not have an explicit environmental dimension;
- § Identify environmental impacts and integrate mitigation measures during program formulation, and in the process, enhance Environmental Management Plans;

- § Ensure the consideration of cumulative, indirect, or secondary impacts and other unintended consequences when planning multiple, diverse activities;
- § Support time-efficient and cost-effective development planning by avoiding the need to reassess some issues and impacts at project level (e.g., when an issue or impact was effectively dealt with at a strategic level);
- § Inform decision makers by evaluating alternative options that meet the PPP objective(s), while also being the best-practicable-environmental-option(s);
- § Integrate environmental principles² into the development, appraisal, and selection of policy options;
- § Give adequate attention to environmental considerations in decision making, on par with economic and social concerns, and with a view that trade-offs may be necessary in some situations;
- § Provide an early opportunity to check whether a proposal complies with national and international environmental policy and consequent legislative obligations;
- § Establish a context that is more appropriate for subsequent development proposals;
- § Provide a transparent and accountable decision-making framework.

1.3 BASIC PRINCIPLES FOR SEA

Kenya's Regulations provide for SEA in compliance to the following principles:

- § The sustainable use of natural resources;
- § The enhanced protection and conservation of biodiversity;
- § Interlinkages between human settlements and cultural issues;
- § Integration of socio-economic and environmental factors;
- § The protection and conservation of natural physical surroundings of scenic beauty and the protection and conservation of built environment of historic or cultural significance;
- § Public and stakeholder engagement.

² Environmental principles include the concepts of sustainable development, polluter pays, and the precautionary principle.

1.4 SEA BENEFITS AT A GLANCE

A good SEA can yield some noteworthy benefits, including:

1. **Safeguarding the environmental assets and opportunities** upon which all people depend, particularly the poor, thereby promoting sustainable poverty reduction and development.
2. **Improving the PPP decision-making process and development outcomes** by:
 - § Supporting the integration of environment and development;
 - § Providing environmentally-based evidence to support informed decisions;
 - § Identifying new opportunities;
 - § Identifying and addressing potential areas of conflict or inconsistency between PPPs early in the PPP formulation process and thereby preventing costly mistakes;
 - § Improving governance by integrating public consultation in strategic-level decision-making;
 - § Facilitating transboundary co-operation.
3. **Strengthening and streamlining project-specific EIAs** by:
 - § Addressing a wider range of alternatives than is normally possible in project EIA;
 - § Considering cumulative effects and relatively large-scale environmental changes;
 - § Exploring the opportunities for and constraints to development posed by the broader receiving environment, thus reducing the list of potential projects to those that could be sustained by that environment;
 - § Assisting in defining and maintaining a chosen level of environmental quality.

1.5 LEGAL FRAMEWORK

Strategic Environment Assessment (SEA) is a tool/process for incorporating environment considerations into policies, programmes and plans.

1.5.1 CONSTITUTION OF KENYA

Article 42: Every person has the right to a clean and healthy environment which includes:-

- a) To have the environment protected for the benefit of present and future generations through legislation and other measure, particularly that contemplated in article 69.
- b) To have obligation relating to the environment fulfilled under article 70

Section 69:

- 1. The state shall
 - a) Encourage public participation in the management, profession and conservation of the environment
 - b) Establish systems of environmental impact assessment, environmental audit and monitoring of the environment.
 - c) Eliminate processes and activities that are likely to endanger the environment
- 2. Every person has a duty to cooperate with state organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and those of actual resources.

69 (I): addresses itself to sustainable exploitation, utilization, management and conservation of natural resources. In particular the following sections have a direct relation to strategic environmental assessments.

From the foregoing, though SEAs are not implicitly mentioned is a tool that will play a great role in achieving the objections of section 49.

1.5.2 ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT, 1999: ENVIRONMENTAL (IMPACT ASSESSMENT AND AUDIT) REGULATIONS 2006

Section 58 addresses itself primary to Environmental Impact Assessment. However during the drafting of the regulations 2003 SEAs were recognized as a measure of environment impact assessment at strategic level such as policy, plans and programmes.

The Regulations section 42 and 43 address Strategic Environment Assessments, section 42(i) requires Lead Agencies in consultation with NEMA to subject all policy, plans and programmes for implementation to a Strategic Environment Assessments. Regulation 42(3) commits the Government and all Lead Agencies to incorporate principle of SEA in the development of sector or national policy.

From the foregoing it is actually illegal for the government or its agent to fail to carry out SEA on policy, plans and programmes.

1.6 SEA PROCESS

1.6.1 FACTORS ASSOCIATED WITH SUCCESSFUL SEA PROCESSES

SEAs that are influential and improve policy-making, planning, and decision-making usually:

- § Clarify (where needed) the PPP goals, objectives, and targets;
- § Integrate with existing policy and planning structures;
- § Are flexible, iterative, and customized to context;
- § Analyze the potential effects and risks of the proposed PPP and its alternatives against a framework of sustainability objectives, principles, and criteria;
- § Provide explicit justification(s) for the selection of:
 - The preferred option(s);
 - Significant trade-off(s);
- § Identify environmental and other opportunities and constraints;
- § Address the linkages and trade-offs between environmental, social, and economic considerations;
- § Involve key stakeholders and encourage public involvement;
- § Are transparent throughout the process and communicate the results;
- § Are cost-effective, encourage synergies, and avoid duplication of efforts;
- § Provide opportunities to build capacity to conduct SEA and to use the SEA results;
- § Include an effective, formal, independent, quality-assurance, review, and performance-evaluation system;
- § Monitor the PPP outputs;
- § Encourage formal evaluation of the SEA process after PPP implementation.

2.0 STAGES AND STEPS FOR UNDERTAKING SEA AT POLICY-, PLAN-, AND PROGRAM-LEVEL

In designing effective SEA approaches, practitioners need to consider these points:

- § Strategic planning is not a linear process; it is influenced by interest groups with conflicting interests and different agendas; it is important to look for “windows of opportunity” to initiate SEA during the decision-making cycle.
- § The relationship between alternative options and environmental effects is often indirect and must be framed in terms relevant to the stakeholders (e.g., politicians, government agencies, and other stakeholders groups). One way of doing this is to link environmental effects to each stakeholder’s specific policy priorities.
- § Strategic issues cannot be tackled by a one-off analysis; an SEA must have an adaptive and sustained approach during PPP formulation and implementation.
- § The value of SEA in strategic planning depends on the capacity within NEMA and the responsible authorities to maintain the process and to act on the results.
- § Ideally, SEA practice should be fully integrated into the PPP development process (see **Annex 1**, Best-practice Integrated SEA Model).
- § However, SEA is focused on environmental improvements. It is a flexible tool and it will adapt to the PPP process, as needed., and when a window of opportunity arises. If an ex ante integrated model is not possible, a separate model (with a planning team and an SEA team), or an ex post model (where SEA is applied to a draft PPP) are welcomed.
- § Furthermore, when necessary, the SEA exercise can be designed as a quick appraisal, a semi-detailed exercise, or a comprehensive appraisal as guided by the scoping decision depending on need, opportunity, or available resources.

Another important point is that SEA is fundamentally an iterative process i.e., a process having tasks and analyses that are repeated (at several different stages or even repeated within a task). For example: SEA can be considered iterative within a ‘task / step’ (e.g., scoping involves several rounds of preliminary impact identification and

assessment). And SEA is also iterative between steps (e.g., the SEA study continues the impact identification and assessment process initiated during screening and scoping).

In spite of its iterative-ness, SEA can be seen to involve four (4) main stages, where certain tasks or goals can dominate within a stage. It is useful to structure the detailed discussion using these 4 stages. Each stage can be further subdivided into steps/tasks. But as implied by their 'iterativeness', the tasks do not necessarily have to be done in sequence and the tasks may be repeated or done in a more detailed manner in subsequent stages.

TABLE 1: BASIC STAGES IN SEA AND MAIN SUB-STEPS

1. Establishing the Context for the SEA <ul style="list-style-type: none"> § Screening § Understanding the Context for Conducting the SEA and Other Preparatory Tasks
2. Implementing the SEA <ul style="list-style-type: none"> § Scoping (in dialogue with stakeholders) § The Detailed SEA Study and Draft SEA Report
3. Informing and Influencing Decision-making <ul style="list-style-type: none"> § The Draft SEA Report Review Process (including public review) (4 types of reviews) § Validation and Preparation and Submission of the Final SEA Report § Decision-making & Making Recommendations to Decision Makers
4. Monitoring and Evaluation <ul style="list-style-type: none"> § Monitoring decisions taken on the PPP & monitoring the implementation of the PPP § Evaluation of the SEA and the PPP § Make provisions to review and update the SEA after an appropriate interval.

2.1 THE SEA PROCESS AT A GLANCE (ACTIONS & DECISIONS)

Section 3.0 outlines basic SEA stages and steps. Here in Section 3.1, the key procedural actions, the timeframe, and decisions associated with the steps and stages are highlighted to show the SEA Process at a Glance. This **Table 2** is followed by **Flowchart 1**, which shows the same information in a different format. (Section 4 onwards provides detailed information on each stage, steps, action, and decision

TABLE 2: SEA AT A GLANCE: ACTIONS & DECISIONS

<p>STAGE 1: ESTABLISHING THE CONTEXT</p> <p>Screening:</p> <ul style="list-style-type: none"> § The PPP owner provides a PPP brief to NEMA. § NEMA screens the PPP to determine whether an SEA is required; the screening results are communicated to the PPP owner within 7 working days. <p>Establishing the context to conduct the SEA and other preparatory tasks:</p> <ul style="list-style-type: none"> § Understanding the PPP; § Other preparatory tasks- constituting the SEA team.
<p>STAGE 2: IMPLEMENTING THE SEA</p> <p>Scoping:</p> <ul style="list-style-type: none"> § NEMA advises the PPP owner to select licensed SEA experts. § The licensed SEA experts prepare the scoping report. § The PPP owner submits three (3) copies of the scoping report to NEMA. § NEMA reviews the adequacy of the scoping report. § NEMA communicates the decision to approve the scoping report or to request more information to the PPP owner within 21 days. <p>Detailed SEA Study and Draft SEA Report:</p> <ul style="list-style-type: none"> § Once the scoping report is approved, the SEA experts conduct the SEA process and prepare the draft SEA report. The PPP owner or SEA team leader should subject the Draft SEA to a quality-assurance procedure before it is submitted to NEMA. § Along with the prescribed fees, the PPP owner submits to NEMA at least ten (10) hard copies and one (1) electronic copy of the Draft SEA Report (which includes a non-technical summary and a Submission Form).
<p>STAGE 3: INFORMING AND INFLUENCING DECISION-MAKING</p> <p>Review:</p> <p>Administrative Review:</p> <ul style="list-style-type: none"> § NEMA shall within 14 days of the receipt of the report conducts an Administrative Review of the Draft Report to ensure that the Draft SEA is sufficiently adequate to enter the stakeholder-review process. § Once the draft report passes the Administrative Review, NEMA distributes the Draft SEA Report to stakeholders for comments. <p>Stakeholder Reviews:</p> <ul style="list-style-type: none"> ○ NEMA sends the draft SEA report to relevant stakeholders. Stakeholder generally have 45 days (from the date of dispatch) to submit comments on a Plan- or Program-level SEA and 45 days to comment on a Policy-level SEA. NEMA may extend this review period in some instances. <p>Public Review:</p> <ul style="list-style-type: none"> ○ A notice regarding the draft SEA is published for 2 successive weeks in both the Kenya Gazette and a newspaper with a nationwide circulation. The public generally has 60 days (from the date of the first advertisement) to submit comments on a Plan, Program and Policy.

Committee Review(s):

- NEMA **may** constitute a Technical Advisor Committee (TAC) to review and provide independent technical comments on a Plan- or Program-level SEA .
 - § The Standards and Enforcement Review Committee (SERC) **may** be asked to review Policy-level SEAs.
 - § Committee reviews will be done within a period of 60 days.
 - § An Independent Expert Commission **will be setup** to review SEAs having transboundary impacts.

Validation and Preparation and Submission of Final SEA Report:

- § The SEA experts incorporate stakeholder comments into the Draft SEA Report;
- § To maintain validity of the SEA, the SEA team should bring the corrected version of the SEA within sixty (60) days.
- § In coordination with NEMA, the PPP owner will hold a validation workshop to engage the public/ stakeholders in reviewing and validating the **corrected** SEA report.
- § NEMA will coordinate the additional corrections stemming from the validation workshop to finalize the SEA report.
- § The PPP owner submits five (5) hard copies and one (1) electronic copy of the Final SEA Report to NEMA.

Decision Making and Making Recommendations to Decision Makers

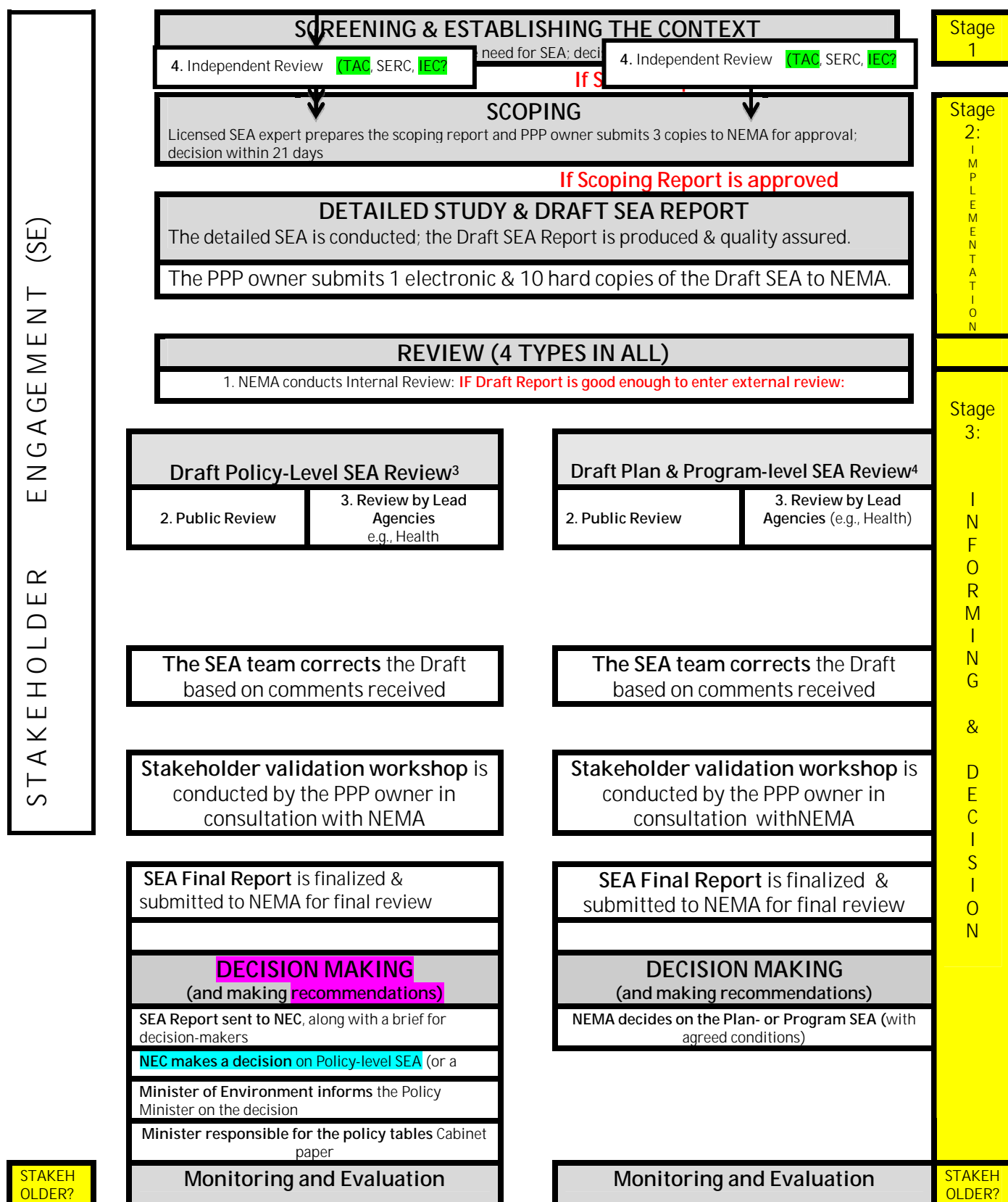
- § **Decision-making for a Policy-level SEA** (See the Flowchart overleaf).
 - The National Environment Council (NEC) will make the final decision on Policy-level SEAs; NEMA will provide a briefing note to ensure that decision makers are fully aware of the PPP-related key environmental issues, preferred alternative, ranking of other alternatives, and likely impacts or effects. The Minister of Environment informs the Minister responsible for the policy on NEC's decision
 - The Minister responsible for the policy tables the related cabinet paper to the cabinet for approval/ endorsement.

Decision Making for Plan- or Program-level SEA

- § NEMA makes the final decision for Plan- and Program-level SEAs through issuing an approval with conditions. The decision will be communicated within 60 days.
- § The PP owner needs to consent in writing to the approval conditions before implementing the plan or program.
- § NB: NEMA will decide on the Plan and Program and the SEA.

STAGE 4: MONITORING AND EVALUATION

- § The PPP owner is responsible for monitoring and evaluation of the PPP.
- § NEMA shall oversee the M&E process by the PPP owner.
- § SERC shall follow-up with NEMA on the M&E of the Policy



3.0 STAGE 1: ESTABLISH THE NEED AND THE CONTEXT FOR THE SEA

³ For Policy SEAs : Public comments received within 45 working days; comments from relevant Authorities received within 45 days? What about expert committee timing? ⁴ For Plan -and Program-level SEAs: Public comments received with 30 working days. Comments from relevant Authorities received within 30 working days?

3.1 SCREENING

Applying SEA can be a lengthy and expensive procedure, so it must be conducted only when it is needed. Although legally all policies, programmes and plans are required to carry out SEA screening is used to determine the potential of a PPP to result in significant effects on the environment and to decide whether an SEA is required.

A screening decision can be influenced by a number of factors, including the sphere of decision-making (e.g., local, national, or regional), the location and sensitivity of the area (if known, e.g., coastal), whether a PPP is being formulated or reviewed, and the potential impacts associated with the particular type/sector of development (e.g., PPPs from water, housing, or energy sectors are often considered to have a high potential for environmental impacts and often lead to projects requiring EIA). In brief, an SEA screening decision mainly considers:

- § The nature/type of strategic proposal;
- § The nature of the receiving environment.

A screening decision will also consider any foreseeable interaction between the nature/type of PPP and the receiving environment.

Screening methods and techniques vary depending on the type and the objective(s) of the PPP and the nature of the receiving environment, as well as the needs of the decision-maker. Most screening methods & procedures use:

1. Formal “triggers” and checklists (i.e., using a set of criteria or a list of questions as prompts);
2. Advice from a competent authority or other expertise to indicate whether a PPP is likely to have a significant environmental effect (positive and/or negative).

NEMA has a screening form to document the result of its screening procedure (shown in **Annex 2**). It concludes that an SEA should be carried out where significant effects on the environment are likely. For example, it would be appropriate to carry out an SEA in the following situations:

- § The PPP is likely to result in significant environmental effects, based on a consideration of the magnitude, duration, and spatial extent of effects;
- § The proposed PPP is likely to be politically or publicly contentious;
- § The cumulative effects are likely to be significant (both additive and synergistic effects);
- § There are likely to be trans-boundary effects (i.e., the PPP is likely to affect other municipalities, counties, regions, and/or countries);
- § The level of confidence in predicting the effects of the proposed PPP is low;
- § There are inherent uncertainties;
- § There are important information gaps, making it difficult to predict impacts;
- § The PPP is unprecedented;
- § Risks to health, safety and/or the integrity of social or ecological systems are considered to be high;
- § Social and/or ecological systems have low resilience and high vulnerability to disturbance or impact (e.g., poor communities or sensitive ecosystems);
- § Existing levels of environmental quality are close to defined limits of acceptable change; i.e., there is a definite risk that limits of acceptable change will be exceeded;
- § The PPP is likely to have a negative impact on:
 - Unique, special, or highly valued natural or cultural elements (e.g., threatened biodiversity or sacred areas);
 - Protected areas (e.g., nature reserves, heritage sites, Ramsar sites) or areas of recognized local, county, national, or international conservation;
- § The PPP is likely to result in major changes in actions, behaviors, or decisions by individuals, businesses, NGOs, or government that could lead to:
 - The stimulation of development of infrastructure or other changes in urban or rural land use;
 - An increase in the transformation and development of natural habitat or of areas important to nature conservation;
 - Major changes in the pattern of settlement, land occupation, and/or demographics in an area;
 - Major changes in the development or use of technology that could have negative implications for health and/or safety;
 - The introduction of alien and potentially invasive organisms;

- Changes in society's consumption of energy and in particular fossil fuels, and therefore, in emissions of carbon dioxide and other greenhouse gases;
- Changes in the rate of society's consumption of and/or demand on natural resources, including water.

3.2 ESTABLISHING THE CONTEXT FOR THE SEA

3.2.1 UNDERSTANDING THE PPP

Once it is determined that an SEA is needed, the next step is to understand the various dimensions of the strategic action and how the nature of the PPP will affect the SEA. Some questions requiring attention include:

1. Who is developing the strategic action?
2. Is the strategic action required or voluntary? (if required, what does the legislation say about it?).
3. What is the spatial scale of the strategic action and what will be its level of detail? (The level of detail of the SEA should be proportional).
4. What is the strategic action's temporal scale? Is it cyclical or one-off? (This will affect how far into the future the SEA's baseline should be projected).
5. What is the strategic action about? Is the strategic action sectoral or spatial? (Note that spatial strategic actions will often have many different types of impacts; sectoral actions may be more specific).

Table 3 can be used to summarize the various dimensions of the strategic action. It is used at this stage to set the context for the SEA study; it can be used to generate part of the SEA introduction at a later stage.

TABLE 3: UNDERSTANDING THE PPP: SETTING THE CONTEXT FOR THE SEA STUDY

Template to summarize the various dimensions of the strategic action
PPP-making authority
Title of the strategic action
What prompted the strategic action (e.g., legislative or administrative provision)
Period covered by the strategic action
Frequency of updates
Geographic area of the strategic action (attach a map)
What is the strategic action about:
§ Subject (e.g., transport or spatial plan...)
§ Purpose of the strategic action
§ Proposed objectives of the strategic action, if available
§ Summary of nature/content of the strategic action

As soon as a decision is made to conduct an SEA, other preparatory tasks can be initiated, even before the official start of the scoping process. Table 4 highlights a number of preparatory tasks that can be initiated at this point in time.

3.2.2 PREPARATORY TASKS

TABLE 4 HIGHLIGHTS A LONG LIST OF TASKS THAT WILL HELP THE PPP OWNER AND THE SEA PRACTITIONER TO INITIATE AN SEA PROCESS. SOME OF THE LISTED TASKS ARE INITIATED EARLY, AND COMPLETED NEAR THE END OF THE SCOPING PROCESS. **TABLE 4: TASKS RELATED TO ESTABLISHING THE CONTEXT FOR THE SEA**

The following tasks can be initiated even before the start of the scoping process. (Many tasks will however be completed during scoping)

The ministry or institution undertaking the PPP shall:

- § Set up a management team/steering committee and appoint an SEA coordinator/manager.
- § Confirm sources of funding.
- § Announce the start of the planning process; bring key stakeholders together to agree on the problem, objectives, alternatives and measures for quality control.

Special tasks in development co-operation

- § Determine whether other institutions (including donors) have carried out or intend to carry out, a SEA relevant to the PPP in question and, in such circumstances, seek to engage in a joint process.
- § Ensure full account is taken of the sustainable development priorities of (both) countries.
- § In parallel to seeking such harmonized approach to SEA, it is crucial to integrate the SEA process with existing planning and assessment systems in the country and develop links with other impact assessment approaches in use.

Tasks initiated at this point in time, but more fully addressed during the scoping step:

- § Start establishing the terms of reference (TORs) based on the basic principles of SEA (Section 1.3) and the case-specific needs (which to a large part will be determined during the scoping process).
- § Start appointing the SEA team: can choose in-house staff or external consultants to complete the work, or various combinations (e.g., there is a preference for national consultants, who may be supported by technical assistance or as a partnership venture as necessary). (The final team composition can be made at the end of the scoping period, once the TORs are clearly set).

Start:

- § Clarifying and confirming the specific goals and objectives of the SEA in relation to the objectives of the PPP with partners and stakeholders.
- § Determining whether the PPP objectives are in line with existing (environmental or other) objectives of country/region/sector authorities.
- § Setting appropriate decision criteria from these objectives and the broader development agendas of the parties.
- § Setting definite and realistic timescales;
- § Agreeing on the required documentation.

Start clarifying:

- § What stages of the decision-making process should the various aspects of SEA be carried out? (Need to map out decision-making process to identify 'windows!')
- § How to integrate into decision-making points when options & proposed activities are being developed & evaluated
- § Clarifying what stakeholders should be involved, when, and in what capacity?
- § Whether other assessment processes apply to the strategic action? If so what is the best way to deal with any overlaps between the assessment systems?
- § Whether the SEA focus on the environment or full range of sustainability issues? Should it be baseline-led or objectives-led?

4.0 STAGE 2: IMPLEMENTING THE SEA

4.1 SCOPING IN SEA

As previously mentioned, SEA is an iterative process. Some of the tasks initiated just after screening, related to Establishing the Context for the SEA (Understanding the PPP and Other Preparatory Tasks) will be continued during scoping. The topics specifically addressed in this Section 4.1 are:

- 4.1.1 General Outputs Expected from a Scoping Process;
- 4.1.2 SEA Objectives, Targets, Indicators, and Criteria;
- 4.1.3 Stakeholder Identification and Participation Issues;
- 4.1.4 Identifying Alternative Policies, Plans, or Programs;
- 4.1.5 Submission and Review of a Scoping Report.

Other topics initiated during scoping (e.g., identification of alternatives and situation assessment) are treated under 4.2, Detailed SEA Study.

A scoping process should establish the focus and the content of an SEA and the relevant criteria for assessment. An open and systematic process should be followed, involving key stakeholders to identify significant issues associated with the proposal, the main alternatives, the SEA objectives, decision criteria, and suitable indicators for desired outcomes. A pragmatic view needs to be taken on how much can be achieved during an SEA, given the available time, resources, and existing knowledge about key issues.

4.1.1 TABLE OF CONTENT OF THE SCOPING PROCESS (CROSS REFERENCE IT WITH THE REVISED REGULATION)

In brief, the scoping process should:

1. Define the level/tier at which the SEA will take place;
2. Define the boundaries of any required further assessment in terms of time, space,

and subject matter;

3. Identify which sector(s) (& which other PPPs) to cover;
4. (Further) Identify PPP objectives;
5. Identify the possible effects of the PPP on the environment;
6. Identify the possible effects on people due to environmental changes;
7. Identify important issues/problems that will need to be studied in detail;
8. Screen out issues that are less important at this stage (and justify the scoping methodology and why some impacts are excluded);
9. Stakeholder engagement - Inform potentially affected **stakeholders** about the PPP; Organize, focus, & communicate the potential impacts **and concerns**; Understand the values held by stakeholders about the **quality of** the environment that might be affected by the PPP; Evaluate concerns & determine how / whether to pursue **them further**; Determine who should be involved in the SEA (including **agencies** that have various decision-making mandates within the PPP's and the SEA study's spatial boundaries); Determine consultation procedures and finalize the stakeholder engagement plan;
10. Analyze the policy and legal framework;
11. Identify SEA objectives with suitable indicators and criteria for the assessment;
12. Identify analytical methods & data needs;
13. Identify reasonable alternatives;
14. Provide the monitoring and evaluation plan and the methodology to be used.
15. Develop the scoping report and the TORs (and the list of experts to be engaged, including each experts' qualifications, CV, and contact coordinates. N.B. the team leader must be a licensed SEA expert).

Scoping procedures and methods include checklists, matrices, map overlays, case comparisons, literature review, policy-and-legal-framework review, and stakeholder consultations to:

- * Establish cause-effect links between different specific policies, plans, or programs;
- * Identify the environmental implications of more general policies or strategies;
- * Identify the key issues;
- * Identify relevant alternatives for the detailed assessment;
- * Identify relevant stakeholders (and plan their involvement).

A detailed options review may be undertaken as part of the scoping process to clarify the environmental advantages and disadvantages of different potential courses of action.

4.1.2 PROCESS CRITERIA

The scoping process will identify relevant SEA objectives, targets, indicators, and criterion to use during the subsequent stages. Stakeholder interviews, the review of the policy and legal framework, the situation analysis, and the identified critical issues will help to identify appropriate SEA objectives, targets, indicators, and criterion.

Indicators are useful to communicate in a simple way complex information for decision-making and management. In SEA, indicators help to:

- § Describe current levels and trends in environmental quality;
- § Predict and assess impacts;
- § Evaluate progress towards achieving sustainability objectives;
- § Relate key strategic issues and Limits of Acceptable Change (LAC) to the SEA study;
- § Enable adaptive and corrective management during PPP implementation.

4.1.2.1 LIMITS OF ACCEPTABLE CHANGE (LAC)

Scoping should also determine Limits of Acceptable Change (LAC) or thresholds to inform the evaluation of potential significant environmental effects of a PPP, and/or to determine appropriate indicators. A key principle of SEA is that it sets the criteria for levels of environmental quality and/or LAC.

LAC can be derived from various sources, such as existing international or national standards, legislation, guidelines, Local Agenda 21 programs, targets for environmental quality in management plans or programs, and State of the Environment (SOE) reports.

If there are no appropriate LAC, they can be developed during the SEA through stakeholder engagement, inputs of specialists, and the findings of the situation assessment.

It also important to note that LAC and thresholds may be identified during the scoping step or even during the subsequent detailed-assessment stage.

4.1.2.2 Setting SEA Objectives

Objectives help to focus the study and ensure important issues are not left out in the process. Strategic objectives may broadly cover the following categories;

1. Social
2. Environmental
3. Economic.

Consideration of the broad categories helps to balance the impact analysis so that issues are not consistently ignored. The process may not only identify objectives but sub objectives where necessary

The following constitutes some of the processes that may be involved in the development of SEA objectives.

- Clarification of PPP objectives so as to obtain the SEA objective. This will assist in derivation of the spatial and temporal scale to be covered in the SEA objective.pg 120
- Compatibility analysis of the objectives to determine if the objectives of the PPP are in line with the existing environmental or other objectives. This may involve careful examination of policy and legal framework. Sometimes they may conflict and this needs to be resolved or specific recommendations given on which areas may require resolution to ensure that the objectives are mutually supportive.
- Stakeholder consultation with relevant lead agencies and the public to determine how they will be affected so as be included in objective setting. It will also assist in prioritization of boundaries, issues or alternatives to consider as well as outcomes. Stakeholder comments may lead to development of social as well as other pertinent environmental objectives
- Obtain consensus from stakeholders

4.1.3 STAKEHOLDER IDENTIFICATION AND PARTICIPATION ISSUES

SEA is a participatory process that allows lead agencies, civil society, the private sector, and other relevant stakeholders that will affect or be affected by the proposed PPP to contribute inputs to strategic decision-making. Relevant regional and/or country representatives should also be included when trans-boundary impacts are anticipated.

The PPP owner should carefully conduct the stakeholder analysis to identify stakeholders

and prepare a communication plan to be used throughout the SEA. Stakeholder scoping

meetings should help revise the scope or focus of the SEA and help improve (as needed) the draft engagement plan developed during preparatory task.

Active public engagement and stakeholder involvement should take place from the scoping stage onwards, including during the review of the draft SEA report and even during PPP monitoring (see Table 1).

Generally SEAs draw the attention of ‘public representatives’ rather than individuals. If the public has limited experience with being engaged at the strategic level, it is critical to include an education component in the public engagement process. A public engagement and disclosure plan will help identify relevant stakeholder groups and appropriate communication methods. It is important to identify and engage those stakeholders who are the most exposed to environmental degradation. In general, environmental pressures tend to affect the poor and vulnerable populations more seriously. Women, men, and children should be included in this public-engagement process to draw on all relevant knowledge.

As mentioned above, the SEA process relies on effective and sustained public engagement. PPP decisions are embedded in the political domain and involve political dynamics – including the engagement of the stakeholders who are likely to be most affected or who are most vulnerable. For good analysis and process management, it is essential to understand the power relations between the different stakeholders and how stakeholders interact with each other and the environment.

One challenge is to ensure that public engagement is meaningful and not just a case of providing stakeholders with detailed, comprehensive information. The engagement process must provide an opportunity to influence decisions.

Stakeholder groups identified as most affected by a given PPP may be politically and/or socially marginalized and may have little or no experience in providing input to decision making. Public consultation processes will have to identify the best way to ensure that the socially marginalized can participate effectively and can have their viewpoints given proper consideration. This may involve reaching out to stakeholders who do not have access to the internet, lack access to public libraries, speak a different language, are

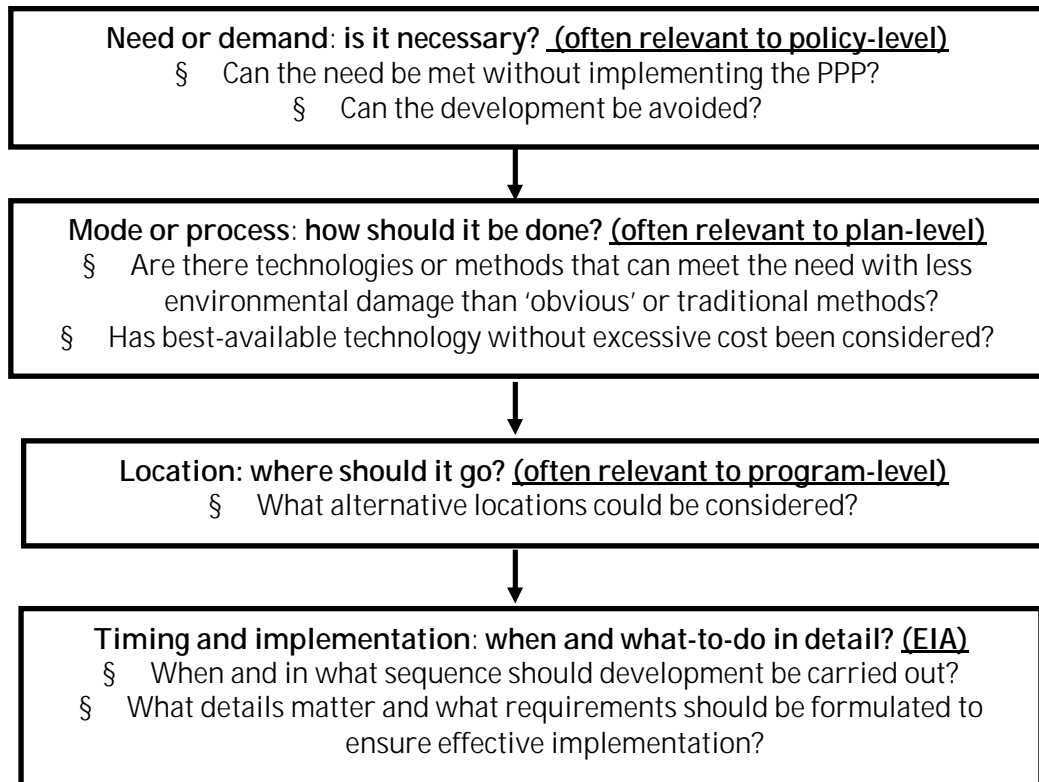
illiterate, have cultural differences, or other characteristics that need to be considered when planning for their engagement.

Depending on the nature of the political institutions and processes, there will be a need to integrate any SEA process with the public engagement process as a whole and to adopt other approaches where needed. Of note, public engagement needs to be sustained, structured, and coordinated with all phases of the PPP formulation and implementation.

4.1.4 IDENTIFYING ALTERNATIVE POLICIES, PLANS, OR PROGRAMS

The most effective way to “shape” the outcome of a development process is to consider alternatives from the earliest possible stage i.e., during the policy- or plan-formulation process. SEA has the most influence during this formulation stage because a comparative evaluation of the need or demand and an impact evaluation of a broad range of alternatives can be conducted before any irrevocable decisions are made. A range of sources can trigger how to identify alternatives. These include analysis of strategic action objective, policy context and environmental objectives existing and predicted environmental/ sustainability problems, scenario testing, consideration of hierarchy alternatives (table 4), suggestions raised by key stakeholders and the public plan makers ideas and from previously completed assessment plans. The alternatives assessed in the SEA could represent different ways of delivering each target. The early consideration of alternatives can reduce the need for remedial measures at later stages in the development-planning process, given that alternatives become increasingly constrained as planning moves from policy- to plan- to program-level, ultimately arriving at project level. This concept is usually referred to as the hierarchy of alternatives, illustrated in **Table 4**.

TABLE 4: HIERARCHY OF ALTERNATIVES



Alternatives are formulated bearing in mind the situation assessment and the analysis of opportunities and constraints. Generally, expert judgment, authority requirements, and key stakeholder inputs are combined to formulate reasonable alternatives.

4.1.5 SUBMISSION AND REVIEW OF A SCOPING REPORT

The SEA experts will prepare the scoping report, bearing in mind the content and outputs provided in Section 4.1.1. Specifically, the scoping report should summarize:

1. The level/tier at which the SEA will take place;
2. The boundaries of any required further assessment in terms of time, space, and subject matter;
3. The sector(s) (& which other PPPs) to cover;
4. The PPP objectives;
5. The possible effects of the PPP on the environment;
6. The possible effects on people due to environmental changes;
7. Important issues/problems that will need to be studied in detail;
8. Why some impacts were screened out.
9. The meetings held to inform potentially affected stakeholders about the PPP;
10. The meetings and discussions held to communicate the potential impacts & concerns;
11. The meetings and discussions held to try to understand the values held by stakeholders;
12. How concerns were evaluated and how it was decided which concerns to pursue in the detailed study;
13. What stakeholders will be involved in the SEA;
14. The consultation procedures that will be used and the engagement plan;
15. Important aspects related to the policy and legal framework;
16. The SEA objectives with suitable indicators & criteria;
17. The analytical methods that will be used & data needs;
18. The reasonable alternatives that will be subject to detailed assessment;
19. The TORs (and the list of experts to be engaged).

(Reorganize and include M & E)

The PPP owner will submit three (3) copies of the scoping report to NEMA. The PPP owner should endorse the scoping Report.

NEMA will review the adequacy of the scoping report and making a decision to approve the Scoping Report and TOR, or making a decision to request more information. The decision will be communicated within 21 days.

Section 1, Scoping, of **Annex 7** (Consolidated Checklist for the Quality Assurance, Review, and Performance Evaluation of a Comprehensive SEA) will be used to review of the scoping process and scoping report. Sector specific checklists will be developed in time.

4.2 THE DETAILED SEA STUDY AND DRAFT SEA REPORT

As already emphasized, SEA is an iterative process. Most activities (e.g., stakeholder involvement, baseline data collection, impact prediction and assessment, identification and evaluation of alternatives, and mitigation) will have been initiated during the screening and scoping steps, and are completed during the detailed SEA study. The topics specifically addressed in this Section 5.2 are:

- 4.2.1 Collecting Baseline Information;
- 4.2.2 Situation Analysis;
- 4.2.3 Identifying and Predicting Impacts and Evaluating Significance;
- 4.2.4 Comparing Alternatives;
- 4.2.5 Identifying Measures to Enhance Opportunities and Mitigate Adverse Impacts (and Trade-offs).

4.2.1 COLLECTING BASELINE INFORMATION

An SEA needs to be based on a thorough understanding of the potentially affected environment and social systems. The baseline information not only provides this understanding, but also serves as a benchmark against which alternative scenarios can be evaluated.

The baseline presented in an SEA is more than an inventory of the area flora, fauna, landscape, and urban environments. The baseline data must:

- § Highlight the resilience, vulnerability, and significance to human wellbeing of the important ecological systems and services;
- § Outline and review existing environmental protection measures and/or objectives set in international, national, or regional legislative instruments;
- § Assess the compliance of the PPP to relevant international and national treaties, conventions, legislation, guidelines, and objectives.

The baseline-data-collection was initiated during screening and scoping, and during the detailed study, any additional data collection should reflect the objectives and indicators identified in the scoping report and it should cover the:

- § **Physical environment**, including PPP-relevant aspects of: climate, air quality, water resources and water quality, noise, topography, soils, geology, hydrology, and risks of natural disasters.
- § **Biological environment**, including PPP-relevant aspects of: biodiversity, ecology and nature conservation (including endangered species, protected ecosystems, habitats, species of commercial importance, and invasive species and their impacts).
- § **Socio-cultural and socio-economic conditions and human health**, including PPP-relevant aspects of: archeology, cultural heritage, landscape, recreational activities, human health, social-economic aspects, resource use (including land and water use), transportation, infrastructure, agricultural development, and tourism.

4.2.2 SITUATION ANALYSIS

The situation analysis entails collecting and interpreting the environmental baseline data to understand the status quo / existing environment and to identify the trends, and environmental opportunities and constraints in relation to the proposed PPP.

It is important to note that the situation analysis is carried out during the scoping process and is informed by and helps to inform, the scoping process. As SEA is an iterative process, the situation analysis is completed during this detailed SEA study.

4.2.3 IDENTIFYING AND PREDICTING IMPACTS, AND EVALUATING SIGNIFICANCE

Determining whether a project or a PPP is likely to cause 'significant' environmental impacts is the core of impact assessment, both in EIA and SEA practice. In SEA, the 'significance' of impacts and trade-offs are assessed and the alternatives are compared to identify the preferred and to eliminate unacceptable alternatives.

There is no single best method for impact analysis and the determination of significance, but the procedure usually follows the 5 steps outlined below:

1. **Identify** potential effects and impacts, by outlining the characteristics of the PPP, the probable activities of the PPP, and the PPP's relationship to other PPPs;
2. Once identified, **predict and quantify** potential effects / impacts to the extent possible using various techniques;
3. **Characterize the impacts** in terms of probability and risk, duration, reversibility, magnitude, extent, and type (e.g., secondary impact). This part of the analysis is usually considered 'objective'.
4. **Assess the 'importance'** of the predicted impacts. Assessing 'importance' introduces some subjectivity into the evaluation, as it looks at the 'value' and 'vulnerability' of the component. In brief, there are three forms of 'importance' / 'recognition', as described in **Table 5**.

TABLE 5: IMPORTANCE OR FORM OF RECOGNITION

Importance / Form of recognition	Criteria
Institutional recognition	The importance of an environmental attribute or resource is acknowledged in the policy/legal framework and plans of government agencies or private groups.
Public recognition	Segments of the public recognize the importance of an environmental resource or attribute. Public recognition may take the form of support, conflict, or opposition. Public action may be expressed formally (e.g., letters) or informally (e.g., protest action).
Technical recognition	The importance of an environmental resource or attribute is based on scientific or technical knowledge or judgment of critical resource characteristics.

Each criterion must be rated, for instance, from high to low or no impact. **Table 5** shows an example of a rating/scaling system.

TABLE 6: RATING IMPORTANCE

Importance	Criteria
Highest	Exceeds or threatens to exceed legal thresholds or standards
Very high	Exceed or threatens to exceed functional thresholds or LAC for health and safety; may result in irreversible, irretrievable or irreplaceable loss of ecosystem services
High	Norms or LAC established by society
Medium	Controversial LAC; no societal agreement on these limits
Low	Preference thresholds for individuals, groups or organizations; not for broader communities or society.

1. **Derive the overall significance** of the impact by simultaneously considering the characteristics of the PPP, the characteristics of the predicted impact, and the 'importance' or 'recognition' ascribed to the affected environmental component.

Various formal methods, using some form of rating, ranking, weighting and/or scaling, and/or using future scenario building and back-casting methodologies can be used to determine significance in particular sectors, and to help translate "facts into meaning".

As reference, **Annex 3** provides the criteria for determining the likely significance of effects referred to in article 3(5) of the Directive 2001/42/EC of the European Parliament and the Council of 27/6/2001.

4.2.4 COMPARING ALTERNATIVES

The complexity of the evaluation of alternatives can be reduced if there is sufficient data to identify the significant environmental effects of each alternative. When assessing the alternatives, the full spectrum of potential effects is considered, including direct, secondary, and cumulative effects for each alternative. In addition, the impacts are characterized/described, for example, in terms of duration and extent (e.g., short-, medium-, long-term impacts and permanent or reversible effects at local, county, national, regional, or international scales). The comparative evaluation of alternatives will highlight potential irreversible effects or irreplaceable loss of natural capital, as well as risks to social and ecological systems.

4.2.4.1 DEVELOPING SCENARIOS TO ASSIST IN THE COMPARISON OF ALTERNATIVES

Scenario development is a technique used to present alternative futures, allowing the evaluation of the feasibility and effectiveness of the proposed PPP under different future conditions. Scenario building focuses on:

- § Identify the strategic issues associated with the PPP (i.e., identify the critical success factors and key concerns);
- § Representing the current state of the environment (e.g., levels of environmental quality);
- § Describing the key driving forces and what is inevitable given the driving forces;
- § Identifying key uncertainties that could determine a different evolution of the future;
- § Outlining possible futures (given the key driving forces & uncertainties);
- § Very common 'scenarios' include high growth vs. low growth scenarios; the 'do nothing' scenario; and the 'worst case' scenario.

The 'worst case' and the 'do-nothing' scenarios should be identified to serve as benchmarks for the above evaluation. Options and alternatives that are illegal, ridiculous, not feasible, or unacceptable to society need to be eliminated. The SEA should focus on evaluating feasible, reasonable options and alternatives that work towards making the desired future a reality.

4.2.5 IDENTIFYING MEASURES TO ENHANCE OPPORTUNITIES AND MITIGATE ADVERSE IMPACTS

SEA aims to enhance the positive opportunities and to minimize any negative risks of the PPP. The positive opportunities will generally promote the achievement of the MDGs and other positive development goals and objectives. The aim is to develop "win-win" situations where multiple, mutually reinforcing gains can strengthen the economic base, provide equitable conditions for all, and protect and enhance the environment. Where this is not possible, trade-offs must be clearly documented to guide decision makers.

'Mitigation' is the term used to refer to the measures used to minimize negative impacts. As was the case with the analysis of alternatives, a mitigation hierarchy should be followed to address adverse impacts, as follows:

- § Avoidance: Avoid / prevent the impact by not going ahead with the activity or avoid / protect the area having the environmental feature;

- § Reduction: Reduce the impact by limiting the degree or magnitude of the activity / impact (e.g., by modifying a technique or using a different technology);
- § Remedial action: When the above are not possible, repair, rehabilitate, or restore a feature to its original state: e.g., reforestation;
- § Compensation: When the above are not possible, create environments elsewhere similar to those affected. For social impacts, it can mean providing land, money, or buildings elsewhere. Compensation measures are usually negotiated with affected parties.

SEA mitigation measures can have a very broad scope, including measures that are:

- § Fiscal / regulatory: e.g., congestion charging, reduced taxes for locally produced food; energy-efficiency standards, or new laws;
- § Technical / modal: e.g., wastewater treatment by reedbeds; use of recycled material in construction.
- § Spatial: new housing to be within 200 m of a bus stop;
- § Proposals to change other PPPs;
- § Educational: energy awareness campaigns or walk-to-school schemes;
- § Detailed project-level measures: e.g., measures specifying an implementation method.

The mitigation stage in an SEA should deliver a list of agreed measures to:

- § Change the strategic action;
- § Change other strategic actions, where relevant;
- § Set a context for future projects (e.g., identifies which follow-on projects will require EIAs).

Typical SEA mitigation measures can include changes to the strategic action such as:

- § Changes to the wording of the strategic action;
- § The removal of components / statements that are not sustainable or do not support the SEA objectives;
- § The addition of new components / statements;
- § The development of new options e.g., a combination of the best aspects of existing options;

§ Requirements to substitute or offset certain types of impacts e.g., through projects that replace lost benefits through other projects (e.g., a new park).

Caution should be exercised if the impact analysis indicates a potential for major, irreversible, negative impacts on the environment. This may indicate the need to select a less risky alternative. Otherwise, standard mitigation measures can be used to minimize adverse impacts to “as-low-as-reasonably-practicable” (ALARP level).

Annex 4 lists some sectoral policy reforms that can have positive and negative environmental consequences and provides examples of some enhancement and mitigation measures. (Other policy reforms with clear environmental implications could include privatization schemes, energy policy, land reform, trade incentives, and water supply and pricing).

Once mitigation has been taken into account, the significance of residual adverse impacts can be evaluated. This is an important measure of the environmental acceptability of the proposal; it is usually carried out against selected environmental objectives and criteria.

4.2.5.1 TRADE-OFFS

SEAs can address complex development problems and alternatives under conditions of high uncertainty, where multi-stakeholder groups with diverse and sometimes conflicting objectives could be affected. Although ‘win-win’ scenarios are the ideal, a common situation is to have ‘trade-offs’ and both ‘winners’ and ‘losers’. A ‘trade-off’ usually refers to the case where society loses with respect to one aspect, while gaining on another aspect. Note that a ‘trade-off’ decision is made with full comprehension of both the pros-and-cons of a particular choice.

As further described below, trade-off decisions are generally of two types: 1. Compensation or substitutions and 2. Net-gain-and-loss calculations:

1. **Compensation and substitutions:** Compensation and substitutions are fairly straightforward, where one option can be substituted for another, for example:
 - Eliminate a natural wetland and replace it with a constructed wetland of comparable ecological value elsewhere;

- Provide compensation for a particular risk or loss.
- 2. **Net-gain-and-loss calculations:** Net-gain-and-loss calculations are not always done explicitly or openly and the measurement and comparisons are often difficult and sometimes objectionable: e.g., the jeopardized interests of a local community displaced by a new dam balanced against more water-supply security for a larger number of users downstream.

Although trade-offs may not always be acceptable, it is necessary to provide a justification for a trade-off and to conduct the process in as transparent a manner as possible. Gibson (2005) provides some basic to guide trade-off deliberations (see **Table 7**). Otherwise, there are a number of tools specifically designed to assess trade-offs (e.g., cost-benefit analysis and consideration of opportunity costs, matrix-based appraisal methodologies, multi-criteria assessment, scenario comparisons, and life cycle assessment).

TABLE 7: GIBSON'S (2005) GENERAL TRADE-OFF RULES

Rule	Description
Net gains	An acceptable trade-off must deliver net progress towards meeting sustainability. Trade-offs must seek mutually reinforcing, cumulative, and lasting contributions and must favor achievement of the positive feasible overall result, while avoiding significant adverse effects.
Burden of argument	Trade-off compromises that involve accepting adverse effects in sustainability-related areas are undesirable unless proven otherwise; the burden of justifying a trade-off falls on the proponent.
Avoidance of significant adverse effects	<p>No trade-off that involves a significant adverse effect on an area of sustainability can be justified unless the only other acceptable alternative is an even more significant adverse effect (e.g., any effect that might undermine the integrity of a viable socio-ecological system). Generally:</p> <ul style="list-style-type: none"> § No compromise or trade-off is acceptable if it entails further decline or risk of decline in a major area of concern, or if it endangers prospects for resolving problems identified as global, national, or local priorities; § No trade-off is acceptable if it deepens problems in an area (e.g., equity or loss of biodiversity); § If stronger mitigations efforts are feasible, no enhancement can be permitted as an acceptable trade-off against incomplete mitigation of significant adverse effects.
Protection of the future	No displacement of a significant adverse effect from the present to the future can be justified unless the alternative is displacement of an even more significant negative effect from the present to the future.
Explicit justification	<p>All trade-offs must be accompanied by an explicit justification based on openly identified, context-specific priorities, as well as the use of sustainable-development decision criteria and trade-offs rules.</p> <p>Justifications will be supported by transparent guidance that has been developed in open and participative processes (e.g., policies, priority statements, or guides to the evaluation of significance).</p>
Open process	Proposed compromises and trade-offs must be addressed and justified through processes that include open and effective stakeholder involvement.

4.3 DRAFT REPORT ON THE FINDINGS OF THE SEA

The SEA study results need to be reported (e.g., aspects of the technical analysis and the rationale for conclusions and recommendations). An SEA report can at times be very technical, but it must be presented in an understandable format, using appropriate language(s) (English/ Kiswahili). Where necessary the executive summary may be provided in the local language.

Rather than a long report, short summaries, with diagrams, graphics, and summary tables are generally very helpful. In addition, a succinct, non-technical summary is critical and should adequately summarize and explain the SEA findings to all stakeholders, including local communities. The non-technical summary should contain the title of the report and it should summarize: the proposed PPP and its objectives, the alternatives that were studied and the selected option, the affected area, the environmental analysis, the impacts expected, the mitigation and enhancement measures, and the monitoring program. Because the non-technical summary is likely to be the only part of the SEA report that is read by the public (and by other stakeholders), its quality is critically important to obtaining informed stakeholder comments on the Draft SEA Report.

4.3.1 PROJECT OWNER'S QUALITY ASSURANCE ON THE DRAFT SEA REPORT

If the Project Owner designs an SEA to include stages 1 to 4 and relevant steps and practices and complies with the SEA-report-content requirements (**Annex 5**), a basic level of process and procedural quality will be achieved. However, additional quality-control-assurance measures are generally warranted to ensure that the assessment is credible. The extent of the quality-assurance measures will depend on the nature, context, needs, and timeframe of the specific strategic initiative.

Before submitting the Draft SEA to NEMA, the PPP Owner and SEA team Shall ensure quality-assurance of the SEA using the same checklists as the internal and external reviewers will use. (See **Annex 7** for the Consolidated Checklist for the Quality Assurance, Review, and Performance Evaluation of a Comprehensive SEA).

The PPP owner should endorse the Draft SEA Report.

4.3.2 SUBMISSION OF THE DRAFT SEA REPORT

The PPP owner or the appointed agent will submit at least ten (10) hard copies and one (1) electronic copy of the Draft SEA Report (with non-technical summary) to NEMA, along with the SEA Submission Form 17 r42 [shown in **Annex 6**]. As directed by NEMA and the Environmental (Impact and Assessment) Regulations, 2003, the PPP owner will pay a fee of one million Kenya shillings (KShs 1 million) to cover various related costs, such as:

- § Distribution of the Draft SEA Report to the relevant stakeholders;
- § verification surveys;
- § Internal review by NEMA;
- § Coordination of the stakeholder-engagement review process (e.g., coordination of the TAC and the SERC, and the public review process)Monitoring checks by NEMA of the PPP implementation

5.0 STAGE 3: INFORMING AND INFLUENCING DECISION MAKING

5.1 THE REVIEW OF THE DRAFT SEA REPORT

The SEA report is one key deliverable of an SEA process. But achieving development outcomes, while maintaining environmental sustainability, is very much a key measure of success. For the purpose of this discussion, reviewing the draft SEA report will be considered here. Reviewing the SEA process, outcomes, or performance will be considered under Section 7, 'Monitoring and Evaluation'.

Key questions related to the comprehensive review of a Draft SEA Report include:

- § The quality of information;
- § The level of stakeholder participation;
- § The definition of the SEA objectives;
- § The assessment and mitigation of environmental impacts;
- § The planned follow-up activities and constraints.

The system to review the chapter-by-chapter content of a Draft SEA Report is presented in Sections 2 to 8 of Annex 7 (Consolidated Checklist for the Quality Assurance, Review, and Performance Evaluation of a Comprehensive SEA):

- § Section 2 of the checklist reviews the Report Presentation. It can support the Administrative Review of the Draft SEA Report, ensuring that the Draft SEA is of sufficient quality to be sent out to stakeholders for review.
- § Sections 3 to 8 of the checklist focus on the review of various chapters of an SEA:
 - Section 3 reviews the chapter on PPP Description;
 - Section 4 reviews the chapter on Policy and Legal Framework and Links;
 - Section 5 reviews the chapter on Description of the Environmental Baseline;
 - Section 6 reviews the chapter on Determination of Impact Significance and Evaluation of Alternatives
 - Section 7 reviews the chapter on Mitigation and Environmental Management and Monitoring Plan;
 - Section 8 reviews the chapter on Consultation Process.

5.2 THE VARIOUS TYPES OF REVIEWS

The Draft SEA Report will be subject to internal and external stakeholder reviews. These are discussed below as follows:

5.2.1 Administrative review (by NEMA);

5.2.2 Stakeholder reviews:

5.2.2.1 Public review;

5.2.2.2 Review by Lead Agencies;

5.2.2.3 Review by Expert Committee.

5.2.1 ADMINISTRATIVE REVIEW BY NEMA

NEMA conducts an administrative review of the Draft SEA Report, first, to ensure that the Draft SEA Report complies with basic requirements and is sufficiently adequate to enter the stakeholder-review process. Section 2 (Report Presentation) of **Annex 7** (Consolidated Checklist for the Quality Assurance, Review, and Performance Evaluation of a Comprehensive SEA) can assist with this part of the review.

Once the draft report passes the Section 2 (Report Presentation) review, NEMA distributes the draft SEA report to stakeholders for comments.

When NEMA conducts its more detailed review, it can refer to Sections 3 to 8 of the consolidated checklist, which focus in a detailed manner on the various chapters of the SEA.

5.2.2 STAKEHOLDER REVIEWS

5.2.2.1 PUBLIC REVIEW

The PPP owner shall ensure that two notices regarding the Draft SEA Report are published, each one week apart in both the Kenya Gazette and a newspaper with a nationwide circulation. The public generally has 30 working days (from the date of the

first advertisement) to submit comments on a Plan- or Program-level SEA and 45 working days to comment on a Policy-level SEA. .

The invitation for public comments (notice) will state

- The nature of the PPP,
- Where the PPP documents can be found i.e the county offices and the PPP owner offices

N.B. Recall from section on stakeholder analysis that generally SEAs draw the attention of 'public representatives' rather than individuals. Even though individuals have a right to participate in SEA processes if they so choose, usually the public engagement means that 'representatives' will be engaged.

While public engagement should have been included at various steps in the SEA process (including the scoping step), the review of the Draft SEA Report is a key stage and the draft should be publicly available for the period of time agreed during the scoping stage. If meetings are held for public comment, smaller, focused meetings may be preferable to ensure adequate time for comment (especially given that only a few people have the opportunity to speak in large meetings).

Various methods can help gather the opinions of more vulnerable groups and to ensure that they can meaningfully participate e.g., surveys, interviews, and meetings. The PPP owner shall ensure that most marginalized (or a representative of the most marginalized) to participate. An understanding of the politics of the decision-making process, and the various responses from the stakeholder analysis, government authorities, and lead agencies should suggest how to ensure effective consultation.

In accordance with the Regulations, the PPP owner will pay for the public engagement process.

5.2.2.2 REVIEW BY LEAD AGENCIES

NEMA sends the draft SEA report to various lead agencies (e.g., Ministries of Health; Agriculture, and Transportation). Lead agencies will Stakeholder-authorities generally have thirty (30) working days (from the date of dispatch) to submit comments on a Plan and Programme level SEA and 45 working days for Policy level SEAs. NEMA may extend this review period in some instances.

5.2.2.3 REVIEW BY EXPERT COMMITTEE

NEMA will consider the tier and geographic scope of the SEA to decide what expert committee is needed:

- § A Technical Advisory Committee (TAC) may be constituted to review Plan- and Program-level SEAs;
- § A Standards Enforcement and Review Committee (SERC) will be constituted to review Policy-level SEAs;
- § An Independent Expert Commission will be constituted to review SEAs having international impacts.

For PPPs having international impacts, respective notification protocols and procedures shall apply mutatis mutandis to nominate the experts that will represent Kenya in the independent expert commission. The comments of the committees should be submitted to NEMA within 60 days for the date of appointment.

5.3. CORRECTIONS TO THE DRAFT REPORT AND VALIDATION WORKSHOP

At the end of the public of public disclosure period, NEMA will send all the lead agency and public review comments to the PPP owner and initiate the detailed review of the SEA.

Depending on the complexity of the PPP NEMA may appoint a TAC to carry out a detailed review of the SEA incorporating the public and lead agencies review comments. The output of the detailed review will be communicated to the PPP owner to assist in

the finalization of the SEA. The PPP owner or his/ her representative will be present during the final review. The SEA experts will correct the Draft SEA Report, incorporating stakeholder comments.

In coordination with NEMA, the PPP owner will hold validation workshop (s) to engage the Key stakeholders in reviewing and validating the corrected SEA Report.

5.4 PREPARATION OF THE FINAL SEA REPORT

The SEA experts will prepare the Final SEA Report, incorporating all stakeholder comments from the validation workshop. The Final SEA Report will need to be endorsed by the PPP owner.

5.5 SUBMISSION OF FINAL SEA REPORT

The PPP owner shall submit five (5) hard copies and one (1) electronic copy of the Final SEA Report to NEMA, along with the SEA Submission Form 17 r42 (see **Annex 6** for a copy of the Submission Form).

5.6 MAKING RECOMMENDATIONS TO DECISION MAKERS

Throughout the process, SEA experts, the TAC or SERC, the public, the decision makers, and other stakeholders have opportunities to shape the outcome of an SEA e.g., through the identification of issues, choice of indicators, scope of work and TORs, the selection and evaluation of proposed development options and alternatives, and the selection of mitigation measures. Similarly, the Draft and Final SEA Reports can have an important influence in key decisions and the final recommendation.

Depending on the tier of the SEA, NEC or NEMA will make a final recommendation to decision makers regarding an SEA after review of the final SEA. Sections 5.7.1 discusses the case of a Policy-level SEA and 5.7.2 discusses the case of a Plan- and Program-level SEA.

5.6.1 POLICY-LEVEL SEA

The National Environment Council (NEC) makes the final recommendation for Policy-level SEAs. NEMA will provide a concise briefing note to ensure that decision makers are fully aware of key environmental issues linked to the PPP with emphasis on the recommended alternatives and the likely impacts.

The Minister of Environment informs the Minister responsible for the policy on the decision outcome. The Minister responsible for the policy will present a related cabinet paper to the cabinet for approval / endorsement.

For transboundary PPPs, the respective notification protocols and procedures shall apply mutatis mutandis.

5.6.2 PLAN- OR PROGRAM-LEVEL SEA

NEMA will make the final decision / recommendation for Plan- or Program-level SEAs and will issue an approval with conditions. The PPP owner will consent to the conditions before plan- or program-implementation.

5.6.3 DECISION MAKING FOR PLANS AND PROGRAMMES

After submission of the final report, NEMA shall endorse the PPP and inform the owner as well as the public. Possibly key stakeholders will be informed of the final decision. The following items will be made available in the endorsement.

- a) The plan or programme as adopted
- b) A statement summarizing how environmental considerations have been integrated into the plan or programme; the opinions expressed and results of consultations entered into ; the reasons for choosing the plan or programme as adopted in the light of other reasonable alternatives dealt with
- c) Monitoring measures

NEMA will check to ensure that the issues discussed during the detailed review of the draft report were incorporated in the final report and that the preferred alternative has been presented. The final report should include the implementation plan as well as a documentation of the design aspects of the plan or programme that have been changed under influence of the SEA. Where consultation responses are not taken into account an explanation should be provided.

5.7 DECISION-MAKING TIME FRAME

On receiving the Final SEA Report, NEMA shall communicate its decision within sixty (60) or such extended period as shall have been mutually agreed with the parties. A copy of the decision shall be available for inspection at NEMA's offices.

6.0 STAGE 4: MONITORING AND EVALUATION

6.1 MONITORING THE IMPLEMENTATION OF THE PPP

The PPP owner shall monitor the PPP and submit reports to NEMA (annually or at intervals prescribed by NEMA). It is important to monitor the extent to which environmental objectives or recommendations made in the SEA report or the PPP are being met. Information tracking systems can be used to monitor and check progress. Monitoring of cumulative effects may be appropriate for initiatives that will initiate regional-scale change in critical natural assets. Methods and indicators for this purpose need to be developed on a case-by-case basis.

NEMA will oversee the implementation of the PPP for quality assurance and the SERC shall follow-up with NEMA on the M&E of the Policy.

6.2 EVALUATION OF THE SEA AND THE PPP

Evaluation shall take form of an ex post assessment or ex ante assessment. At some point during or after implementation, a formal evaluation of the monitoring results shall take place as part of the revision or renewal of the PPP. Key questions to help evaluate the performance and the development outcomes of an SEA relate to:

- § The accuracy of the assumptions made during the SEA and its influence on the PPP process;
- § The implementation process;
- § The development goals on accountability;
- § The outcome of activities.

Evaluation is important to determine whether the outcomes have been achieved, fully or in part, and also to ensure quality control of the SEA process itself. An evaluation of an SEA shall be limited to the relatively easy task of determining whether the SEA led to more sustainable alternatives. A more ambitious evaluation would determine whether the SEA led to sustainable PPP design and implementation. This shall requires

extending the focus to include the effects on institutional and capacity-building issues that highly influence the implementation process.

6.2.1 ROLE OF EVALUATION

Evaluation shall examine whether an intervention has achieved intended outputs and outcomes. The challenge maybe is to clearly define how to measure these achievements in an objective and robust manner. The approach should be kept relatively straightforward if it focuses on elements that can be measured more objectively than others (instead of on elements where it is difficult to determine a cause-effect relationship). Evaluating an SEA may likely to involve examining plausible cause-effect relationships and making an informed judgment about whether an SEA did or did not influence the PPP design, planning, or decision about a PPP.

It may not be necessary to obtain absolute scientific proof, but it is necessary to engage in a reflective process to evaluate and improve on previous decisions. The aim is to learn how to continuously improve the integration of sustainability into decision-making and how to improve the use and efficiency of SEA as tool to support sustainable development. In this context, SEA evaluation can also help to:

- § Improve learning on the linkages between PPP formulation, assessment, and practical outcomes;
- § Achieve PPP goals by identifying ex-post adaptation requirements for those implementation mechanisms / actions that failed to deliver intended outcomes;
- § Support the accountability of decision makers and involved stakeholders by making the results of decisions transparent.

A central element of evaluation shall be the definition of appropriate indicators that reflect sustainable outcomes of implementing the PPP. Indicators are also essential to quantify the achievement of specific objectives and goals. Appropriate indicators should have defined during the SEA scoping process to enable the necessary data to be collected during the implementation phase. Some aspects of achieving goals and objectives are better evaluated in a qualitative manner: in that situation, a written

description of the envisaged objectives can be compared with what was practically achieved.

Evaluation should lead to concrete results, for example:

- Positive recommendations on future actions;
- Ex-post adaptation of implementation measures or even the PPP decision(s) itself (e.g., in the case where serious deviations from previous assumptions endanger the achievement of specific goals).
- Specific measures to develop capacity, tailored to help overcome implementation gaps.

The most important outcome of a good quality SEA is that it significantly influenced the achievement of positive development results and will have enhanced the effectiveness of development.

A systematic approach to (monitoring and) evaluation can be supported by checklist(s). Sections 9 to 11 of Annex 7 (Consolidated Checklist for the Quality Assurance, Review, and Performance Evaluation of a Comprehensive SEA) focus on evaluation. Section 9 reviews Decision Making; Section 10 shows the IAIA SEA Process Review checklist; and Section 11 is the SEA Performance Monitoring Evaluation checklist.

REFERENCES

DEAT. 2007. Strategic Environmental Assessment Guideline, Integrated Environmental Assessment Guideline Series

NEMA. 2006. Environmental (Impact Assessment and Audit) Administrative Guidelines, Nairobi, Kenya.

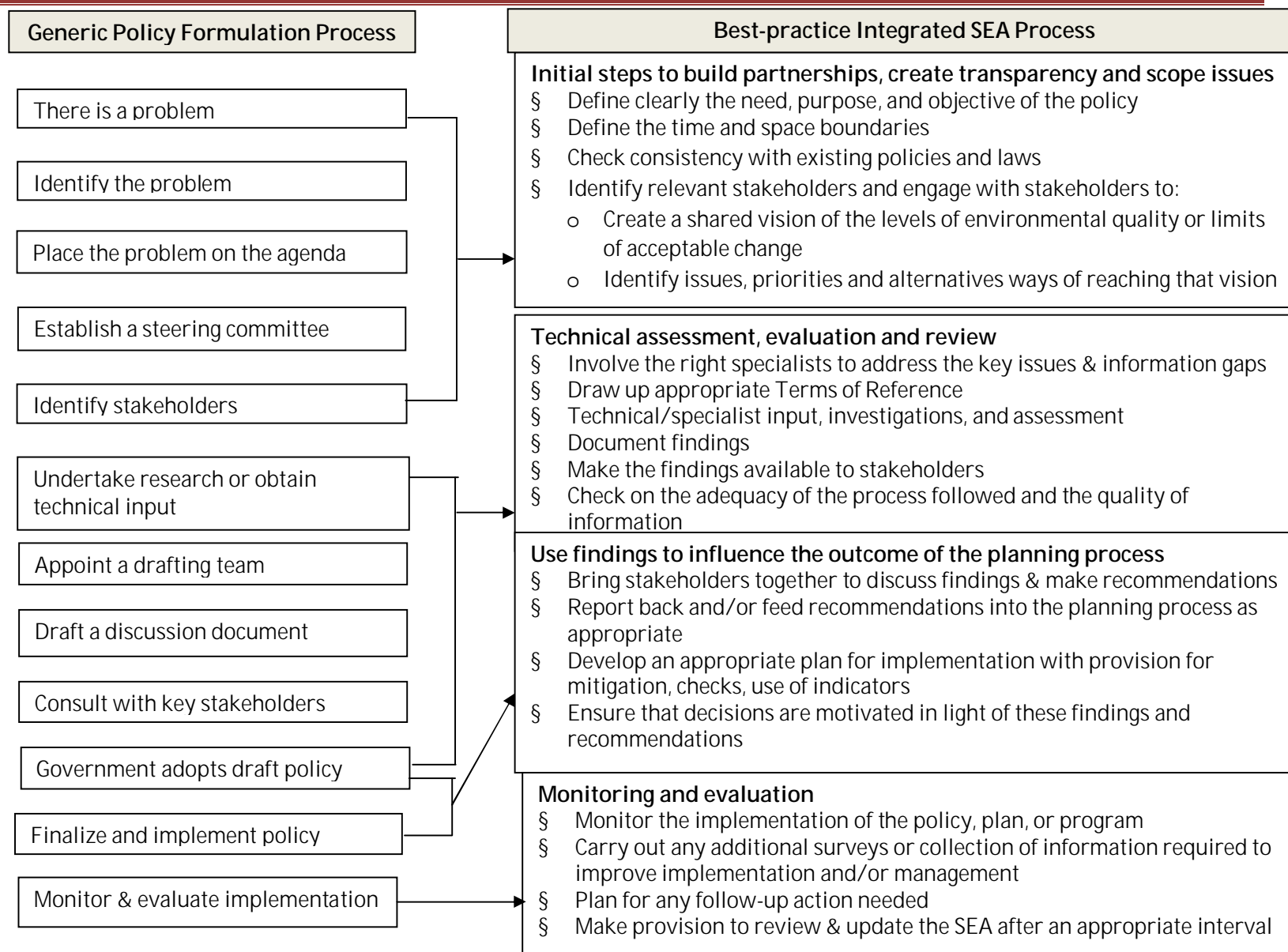
NEMA. 2006. Environmental (Impact Assessment and Audit) Training Manual, Nairobi, Kenya

OECD. 2006. Applying Strategic Environmental Assessment: Good Practice Guidance for Development Co-operation, France.

UNEP. 2007. Guidelines for Impact Assessment in Western Indian Ocean Region, Nairobi, Kenya.

Riki Therivel, 2010, Strategic Environmental Assessment in Action, USA

ANNEX 1: BEST-PRACTICE INTEGRATED SEA MODEL



ANNEX 2: THE PPP SCREENING FORM USED BY NEMA

Reference Number: Submission date:

Ministry/Institution Address:

.....

PPP Title:

PPP Sector

Programme/Plan area of implementation (LR No, Town, District, County/Region)

.....

.....

PPP Screening Comments:

1. Is the PPP likely to result in significant environmental effects?
 - Magnitude.....
 - Duration
 - Spatial extent of effects?
2. Is the proposed PPP likely to be politically or publicly contentious?
3. Are the cumulative nature of the effects (i.e. the additive and synergistic effects) likely to be significant?
4. Are there likely to be trans-boundary effects (i.e. likely to affect other municipalities, counties, regions and countries)?.....
5. Are there inherent uncertainties and/or important gaps in predicting effects of the PPP?
6. Are risks to health, safety and/or the integrity of social or ecological systems considered to be high?
7. Are there social and/or ecological systems with low resilience and high vulnerability to disturbance or impact (e.g. poor communities, sensitive ecosystems) within the PPP locality?.....

8. Are the existing levels of environmental quality close to defined limits of acceptable change; i.e. is there a definite risk of these limits of acceptable change being exceeded?
.....
9. Is the PPP likely to have a negative impact on:
 - o Unique, special or highly valued natural or cultural elements (e.g. threatened biodiversity, sacred areas)?
 - o Recognized local, county, national or international conservation or protection status e.g. nature reserve, heritage sites, Ramsar sites)?
10. Is the PPP likely to result in major changes in actions, behaviours or decisions by individuals, businesses, NGOs or government, that could lead to:
 - o The stimulation of development of infrastructure or other changes in urban or rural land use?
 - o An increase in the transformation and development of natural habitat or areas of nature conservation importance?
 - o Major changes in the pattern of settlement, land occupation and/or demographics in an area?
 - o Increased risk of climate change?
 - o Major changes in the development or use of technology that could have negative implications for health and/or safety?
 - o The introduction of alien and potentially invasive organisms?
 - o Changes in society's consumption of energy and in particular fossil fuels, and therefore, in emissions of carbon dioxide and other greenhouse gases?.....
 - o Changes in the rate of society's consumption of, and/or demand on natural resources, including water?

Record of Decision: (tick where applicable)

1. Recommended/Not recommended for SEA
2. Recommended for EIA Study

Names of Reviewers:

1..... Signature.....Date

2..... SignatureDate

ANNEX 3: CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS REFERRED TO IN ARTICLE 3(5) OF THE DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 27/6/2001

1. The characteristics of plans and programmes, having regard, in particular, to

- § The degree to which the (policy⁵), plan, or programme (PPP) sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions by allocating resources;
- § The degree to which the PPP influences other PPP including those in a hierarchy;
- § The relevance of the PPP for the integration of environmental considerations in particular with a view to promoting sustainable development;
- § Environmental problems relevant to the PPP;
- § The relevance of the PPP for the implementation of legislation on the environment, e.g., PPPs linked to waste-management or water protection.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

(Impact Characteristics)

- § 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 (e.g., due to accidents);
- § The magnitude and spatial extent of the effects (i.e., geographical area and size of the population likely to be affected);

(Importance / Recognition / Value / Vulnerability)

- § 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;

⁵ N.B. In Kenya, 'policies' are also subject to SEA, so this EU Directive list was modified accordingly.

○ Intensive land use;

§ The effects on areas or landscapes, which have a recognized national, Community or international protection status.

ANNEX 4: EXAMPLE OF POLICY REFORMS, POTENTIAL ENVIRONMENTAL LINKAGES, AND MITIGATION MEASURES

Policy area	Reform	Potential environmental benefits	Potential environmental risk	Measures to enhance environmental benefits and mitigate risks
Energy	Fuel price reform: removal of subsidies	Reduced emissions through increased production-and-consumption efficiency.	Removal of subsidies could lead to increased demand for fuel wood.	Property rights might be used to mitigate against deforestation caused by higher demand for fuel wood.
Agriculture	Land reform	Strengthen property rights generally. Improve management of natural resources	Shrinking common property resources are overused by landless.	Ensure that the interest of the landless are considered. Provide training on fertilizer and pesticides use.
Private sector development	Business climate issues, taxation and protection of property rights, and privatization	Increased competition and use of price signals generally improve resource use efficiency.	Weak legal environmental framework and unclear liabilities can lead to over exploitation of natural resources and high pollution levels.	Ensure adequate legal framework, and monitoring and enforcement.
Decentralization	Decentralization of power to regional or local administration. Reforms aim to increase the efficiency of service delivery and accountability	Accountable and representative local institutions can improve the management of natural resources.	Poor capacity to deal with environment and natural resources issues. Risk that local elites (over?) exploit local natural resources, if the state is not vigilant.	Capacity building to strengthen local and regional administration.
Trade	Trade reform	Increased competition may lead to improved resource use efficiency.	Expansion of monocultures. Increased use of fertilizers and pesticides. Increased pressure to convert forests or wetlands to agriculture. Increased water and air pollution from industry.	Improve environmental legislation to avoid becoming a "pollution haven".

ANNEX 5: TABLE OF CONTENT OF THE SEA REPORT

A detailed SEA report will contain the following:

A) Title of the report

B) A succinct non-technical summary (briefly describes the study and its outcomes)

C) Introduction (contains the scope and methodology of work)

D) Description of the Proposed policy, plan, or program

- § Objective, purpose, and rationale;
- § Alternative policy, options, and strategies;
- § Areas and sectors affected;
- § Proposed activities for policy, plan, or program;
- § Implementation plan and time scale.

E) Environmental analysis

- § Description of baseline environmental conditions, especially areas potentially affected;
- § Relevant legislative framework and related PPP documents;
- § Overview of public/stakeholder engagement activities undertaken;
- § Prediction and evaluation of impacts, including cumulative effects;
- § Alternative PPP options considered and compared against environmental indicators;
- § A justification for the preferred alternative;
- § Linkages with ongoing projects and how they fit in the proposed PPP.

F) Recommendations

- § Recommended PPP changes;
- § Recommended mitigation measures;
- § Recommended alternative(s);
- § The need for subsequent EIA for plans and programmes.

G) Relevant technical appendices (e.g., stakeholders' meetings minutes).

H) Environmental Management and Monitoring Plan (EMMP)

The EMP should outline the measures to be taken during PPP implementation and operation to control adverse environmental impacts and the actions needed to implement these measures. Components of the EMP include:

Summary of impacts

The predicted adverse environmental and social impacts for which mitigation is required should be identified and briefly summarized. Cross-referencing to the SEA report or other documentation is recommended – so that additional detail can be readily referenced.

Description of mitigation measures

- § The EMP identifies feasible and cost effective measures to reduce potentially significant adverse environmental and social impacts to acceptable levels;
- § Each mitigation measure should be briefly described with reference to the impact to which it relates and the conditions under which it is required (e.g., continuously);

- § The mitigation measures should be accompanied by, or referenced to, designs, equipment descriptions, and operating procedures that elaborate on the technical aspects of implementing the various measures;
- § Where mitigation measures may result in secondary impacts, their significance should be evaluated;
- § Need for a subsequent EIA.

Description of Environmental Performance Monitoring Program

The objectives of environmental performance monitoring are to ensure that:

- § Mitigation measures are implemented;
- § Mitigation measures are effective i.e., have the intended result;
- § Remedial measures are undertaken where mitigation measures are inadequate or where the impacts were underestimated in the SEA study;
- § Compliance with national (and international) standards is assessed.

The monitoring program should clearly indicate:

- § The linkages between impacts identified in the SEA study;
- § Indicators to be measured;
- § Methods to be used;
- § Sampling locations;
- § Frequency of measurements;
- § Detection limits (where appropriate);
- § Definition of thresholds that will signal the need for corrective actions.

Institutional arrangements

- § Responsibilities for mitigation and monitoring should be clearly defined;
- § The EMP should also identify arrangements for coordination between various actors responsible for mitigation.

Implementation schedule and reporting procedures

The implementation schedule should indicate:

- § Timing, frequency, and duration of the mitigation measures;
- § Procedures to report the progress and results of mitigation and monitoring measures.

Cost estimates

The EMMP should provide these cost estimates:

- § Initial investment and recurring expenses for implementing all measures contained in the EMMP;
- § Where practicable, decisions regarding appropriate mitigation measures should be justified by an economic evaluation of potential environmental impacts.

Institutional Strengthening / Capacity Building

This has two aspects:

1. Equipment requirements: Indicate type of equipment and number of units;
2. Training/study tours: Information should be provided regarding type of training, number to be trained, duration of the training, the organization providing the training and costs.

ANNEX 6: STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FORM

Form 17 (r42)

Application Reference No.....

For Official use.....

THE ENVIRONMENT MANAGEMENT AND COORDINATION ACT, 1999

SUBMISSION OF DRAFT/FINAL STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

Part A: DETAILS OF MINISTRY/INSTITUTION

- A1 Name of Ministry/Institution/ Proponent
- A2 Pin No
- A3 Address
- A4 Name of Contact Person
- A5 Telephone.....
- A6 Fax No.
- A7 Email:

Part B: DETAILS OF THE SEA REPORT

- B1 Title Proposed of the Plans/Programmes/Policy
.....
- B2 Objectives and Scope of the SEA
.....
.....
- B3 Brief Description of the Plans/Programmes/Policy
.....
.....
- B4 Location of the proposed Plans/Programmes/Policy
.....
- B5 Sectors and areas affected
\\

.....

Part C: DECLARATION BY THE MINISTRY/INSTITUTION

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

Name:

Position:

**On behalf of
(Name of Ministry/Institution)**

Date:

PART D: DETAILS OF STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) TEAM

Name of Expert (individual/firm)

Address

PART E: FOR OFFICIAL USE

Approved / Not Approved

Comments

.....

Officer

Sign Date

NB.

1. If the SEA does not contain sufficient information required under the Environmental (Strategic Assessment, Impact and Audit) Regulations, 2003, the applicant may be requested to give further information concerning the Policy/Program/Plan or be notified of any defects in the application and may be required to provide the additional information.
2. Any person who fraudulently makes a false statement in SEA, alters the SEA, or fails to give full disclosure of the PPP commits an offence.

Important Notes: Please submit the following:

§ Three copies of this form

§ X Number of copies of the SEA report, as prescribed by NEMA

§ The prescribed fees to:

Director General

The National Environment Management Authority

Popo Road, South C

P.O. Box 67839-00200

NAIROBI

Tel. 254 20 6005522/3/6/7, 6001945 or Fax: 254 20 6008997

Cell Phone: 0724 253 398, 0733 600 035

Email: dgnema@nema.go.ke; Website: www.nema.go.ke

ANNEX 7: CONSOLIDATED CHECKLIST FOR THE QUALITY ASSURANCE, REVIEW, AND PERFORMANCE EVALUATION OF A COMPREHENSIVE SEA



ANNEX 7: CONSOLIDATED CHECKLIST FOR THE QUALITY ASSURANCE, REVIEW, AND PERFORMANCE EVALUATION OF A COMPREHENSIVE SEA

There are a number of SEA quality assurance, review, and evaluation checklists available on the internet. This Consolidated Checklist combines these eight (8) resources:

1. EU SEA Directive-based environmental report quality review table; quoted in Fischer, T.B. 2007. Theory and Practice of Strategic Environmental Assessment: Towards a more systematic approach. Annex 1: p.155–158.
2. International Association for Impact Assessment (IAIA) criteria for a 'good' SEA process.
3. NEMA. 2011. National Guidelines for Strategic Environmental Assessment in Kenya. Revised February 2011.
4. NEMA. The SEA Scoping Review Sheet; SEA Report Review Sheet.
5. ODPM. 2005. A Practical Guide to the SEA Directive, Appendix 9; quoted in Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment. Draft for Consultation. July 2006.
6. Scottish Executive. 2004. A Draft Practical Guide to the Strategic Environmental Assessment Directive, Department of the Environment, Welsh Assembly Government.
7. Therivel, R. 2006. Strategic Environmental Assessment in Action, Quality Assurance Checklist for SEA, (adapted from Office of the Deputy Prime Minister (ODPM), UK, 2002).
8. Therivel, R. 2010. Strategic Environmental Assessment in Action, Second Edition, Quality Assurance Checklists from each chapter.

The Consolidated Checklist provides a relatively complete and robust system to quality-assure, review, and evaluate a comprehensive SEA from start-to-end (i.e., from scoping process to development outcomes), focusing different sections of the consolidated checklist on:

- § Scoping Process and TORs;
- § Draft SEA Report:
 - A. Internal/ Administrative Review
 - B. Detailed Content Review
- § SEA Outcomes.

It goes without saying that quality assurance, review, and evaluation procedures have to be modified for SEAs that are quick appraisals or semi-detailed.

INTRODUCTION

N.B. This Consolidated Checklist provides guidance for the quality assurance, the review, and the evaluation of a comprehensive SEA. The checklist cannot be used in a 'cookbook' fashion. Each SEA is unique; each SEA is tied to its TORs (including any limitations imposed on it by budget, available resources, data gaps, and context). The reviewer will NOT be able to answer all the listed questions in all cases; some questions may not be relevant to a specific SEA exercise. The 'checklists' are meant to **guide reviewers** (and to guide those responsible for conducting SEAs and writing SEA reports)! The checklists are not a prescription and they cannot replace (context-specific) good judgment!

The checklists comprise 11 sections that will provide reviewers and practitioners some insights into what to include in a comprehensive SEA and what to look for during review. Please always bear in mind the context specific-ness of the actual SEA exercise, the SEA's tier (policy vs. program level), the SEA's administrative level (national vs. local), and the SEA TORs (especially budget and allocated resources).

Section 1 can be used to conduct quality assurance on a scoping report.

Section 2, 'General Review' mainly reviews the Report Presentation. NEMA should complete this review before the report is sent to other stakeholders for review.

Sections 3 to 8 cover a 'Detailed Content Review', which can be used by internal and external reviewers to systematically review these important SEA report chapters:

- § Section 3: PPP description;
- § Section 4: Policy and legal framework and links;
- § Section 5: Description of the environmental baseline;
- § Section 6: Determination of impact significance and evaluation of alternatives;
- § Section 7: Mitigation and Environmental Management and Monitoring Plan (EMMP);
- § Section 8: Consultation process.

Lastly, **Sections 9–11** of the Consolidated Checklist can be used to monitor and evaluate SEA outcomes:

- § Section 9 reviews aspects of the decision-making process;
- § Section 10 reviews the SEA process overall.

§ Section 11 looks at certain aspects related to SEA performance.

The review of scoping, the review of the SEA report in general and in detail, and review of the SEA outcomes will occur at different times in the PPP/SEA timeline. Table XX summarizes the review system.

THE REVIEW SYSTEMS AT A GLANCE

Type of Review	Topic / review section	(Main) Responsible Entity
<u>Review of the SEA scoping</u>	1. Scoping Procedure	PPP owner / SEA consultant / & NEMA
<u>Review of the SEA Report:</u> <u>General Review</u>	2. General Review of the SEA Report	Mainly NEMA
<u>Detailed Content Review</u>	3. PPP description	Reviews conducted by: § Lead Agencies; § Public Review; § Independent Committees [TAC, SERC, or Independent Expert Commission). All review comments consolidated and considered by NEMA
	4. Policy & legal framework and links	
	5. Description of the environmental baseline	
	6. Determination of impact significance & evaluation of alternatives	
	7. Mitigation & Environmental Management & Monitoring Plan (EMMP)	
	8. Consultation process	
<u>Review of Outcomes: SEA Implementation</u>	9. Decision making	NEMA (& NEC)
	10. IAIA SEA Process review	
	11. SEA Performance Monitoring & Evaluation	

PROPOSED REVIEW PROCEDURE

- § Within a given review exercise, each reviewer would be expected to summarize his/her review comments by topic/review section (and in the case of Lead Agencies, also by mandate, e.g., water).
- § Each Entity could then summarize all the comments of its reviewers by topic. For instance, in the case where external reviewers are participating (e.g., during the technical review of the SEA document), each Lead Agency could summarize the comments of all of its reviewers by topic (e.g., Environmental Baseline).
- § NEMA is the entity that would have to consolidate the review comments from all the entities involved in the review process, for its deliberations and final decision / recommendations.

REVIEW OF SCOPING

1. SCOPING	Comment
Was the <u>methodology</u> used to conduct <u>scoping</u> described? Was it adequate? (i.e., Did it lead to a correct identification of key issues, objectives, stakeholders, & alternatives?)	
Is there a clear description of the PPP & the PPP's objectives, the scope of the strategic action, and what the PPP can <u>and</u> cannot do?	
§ Were the <u>objectives</u> of the PPP confirmed and clarified and are they in line with existing (environmental or other) <u>objectives</u> ?	
§ Were the PPP objectives & targets reviewed against the national, regional, or local environmental action plan(s)?	
§ Were the links between the PPP and higher- and lower-tier strategic actions considered?	
Did the scoping process describe enough baseline to identify key problems? Did the scoping process identify <u>key sustainability issues</u>? Does the scoping report:	
§ List the environmental / sustainability issues considered in the assessment?	
§ Describe how key environmental / sustainability issues were identified?	
§ Highlight what matters are more appropriately assessed at other levels or layers of decision-making?	
§ Provide information on existing environmental/sustainability problems that are relevant to the PPP, including those relating to any areas of particular importance to sustainability?	
§ Outline the significant issues that need to be studied during the SEA?	
§ Provide valid reasons for eliminating some issues from further consideration (i.e., explain why were certain issues 'scoped' out?)	
§ Regarding studies to be conducted during the SEA, are the baseline-data-collection requirements related to the SEA objectives?	
Did the scoping process identify adequate <u>SEA Objectives</u>?	
§ Does the scoping report provide information on relevant international & national environmental protection objectives?	
§ Were the international & national environmental protection & sustainability issues adequately considered in selecting & developing the SEA objectives, indicators, & targets?	
§ Was the national policy and institutional framework adequately considered in selecting and developing SEA objectives, indicators, and targets (e.g. other development, sectoral, or poverty alleviation objectives)?	
§ Were the SEA objectives described & clearly defined, quantitatively where appropriate?	
§ Do the SEA objectives & indicators cover an appropriate range of environmental & sustainability topics, including relevant objectives for the biological (e.g., objectives for biodiversity & ecosystems), physical (e.g., objectives for soil, water, air, landscape, climate change), & socio-cultural & economic components (e.g., objectives for health, equity, poverty, heritage, or economy)?	

§	Were adequate decision criteria identified for the assessment (e.g., the use of relevant standards).	
§	Were the technical, procedural, & other difficulties discussed (e.g., technical deficiencies, data gaps, or lack of know-how)? Were the assumptions & uncertainties made explicit?	
Did the scoping process identify <u>reasonable / adequate alternatives</u>? Does the scoping report:		
§	Consider & describe how reasonable alternatives were identified & selected for further assessment?	
○	Were the alternatives that were selected for further assessment appropriate to the scale (national vs. local) and level (policy, plan, or programme) of decision-making?	
○	Do the alternatives deal with the key issues identified in the issues analysis?	
○	Do the alternatives include (among others) the 'do nothing'/'do minimum'/'business as usual' alternative & the 'most environmentally beneficial' alternative?	
○	Are the alternatives in the planning authority's remit (i.e., in terms of geographical scope, objectives, and legal competence)?	
○	Are the alternatives feasible (i.e., are the relevant resources and technology available? are the alternatives implementable)?	
○	Are the alternatives relevant to the decision-making process (i.e., are the alternatives for 'real', as opposed to made-up for the SEA exercise)?	
○	Were reasons given for eliminating some alternatives? (Also see: 6b: Evaluation of alternatives & selection of preferred alternative)	
Was the <u>stakeholder consultation process</u> conducted during scoping relevant and adequate? (i.e., were key stakeholders identified? was the stakeholder consultation process culturally appropriate?)		
Was a careful stakeholder analysis carried out to identify and characterize stakeholders?		
§	Was the start of the PPP planning process announced and were key stakeholders brought together to agree on the problem, objectives, and alternatives?	
§	Were appropriate consultation bodies (including NGOs) & relevant authorities (including environmental and health authorities) consulted in appropriate ways and at appropriate times on the content, scope, alternatives, SEA objectives, and level of information to include in the SEA report?	
§	Was an appropriate communication plan / stakeholder engagement plan developed for the full SEA?	
§	Did the scoping process identify adequate spatial & temporal boundaries for the SEA?	
Terms of References for the SEA study:		
§	Do the SEA TORs focus on significant issues?	
§	Does the SEA workplan to implement the SEA study seem appropriate?	
§	Does the SEA budget to implement the SEA study seem appropriate?	
§	Is the budget sufficient to implement the workplan?	

§ Was a management team and an SEA coordinator appointed?	
§ Is the list of experts (with supporting accreditation) adequate to conduct the study?	
§ Are the methods of data analysis & sources of relevant information listed?	

GENERAL REVIEW OF THE SEA REPORT

2. GENERAL REVIEW OF THE SEA REPORT		Comment
** The reviewer may need to interview some stakeholders.		
Is the SEA report complete, acceptable, and adequate (as defined below)?		
§	Does the SEA contain these chapters: non-technical summary, introduction, PPP description, environmental analysis (baseline description, evaluation of alternatives & risks, mitigation measures, consultation), recommendations, EMMP, & appendices?	
§	Does the non-technical summary explain the overall approach to the SEA, the objectives of the strategic action, the objectives of the SEA, the main alternatives considered, the proposed mitigation & monitoring plan, & how the SEA changed the strategic action?	
§	Specifically, does the non-technical summary provide a statement summarizing: <ul style="list-style-type: none"> ○ How environmental/sustainability considerations were integrated into the PPP? ○ How the SEA report and the results of the consultations were taken into account? ○ The reasons for choosing the selected PPP over other reasonable alternatives? 	
Is the SEA report:		
§	Clear and concise in its layout and presentation? Does it use simple, clear language?	
§	Adequate in scope? (i.e., Has it adopted a good time horizon? An adequate spatial scale)?	
§	Practical in focus? (i.e., Does it focus on a limited number of key issues, targets, indicators)?	
§	Presented as an integrated whole? (e.g., Are the chapters harmonized)?	
§	Carried out in a professional manner? (i.e., Does it provide an impartial/balanced analysis)?	
§	Presented in an open manner? (i.e., Are the methods & data accessible? Are assumptions explicit)?	
Does the SEA report:		
§	Define necessary technical terms? Does the report avoid technical jargon?	
§	Identify the decision-maker?	
§	Identify who carried out the SEA and their competences?	
§	Provide a declaration jointly signed by the SEA consultant and the PPP owner?	
§	Use maps, other illustrations, and summary tables where appropriate?	
§	Describe the methodology used in the SEA (i.e., methodology for scoping, impact identification, prediction, evaluation, comparison of alternatives, & stakeholder identification & analysis)?	
○	Were the methods used appropriate to the size and complexity of the assessment tasks?	
○	Were difficulties explained (e.g., technical deficiencies or lack of know-how; data uncertainties or data quality issues)?	
Was the draft PPP and draft SEA made available for public consultation and review by relevant authorities in a timely manner? Does the SEA report:		
§	Explain who was consulted and what consultation methods were used?	
§	Provide proof that various stakeholders were consulted (e.g., signed statements and/or minutes) and summarize the comments received and how each comment was addressed?	
§	Focus on the big issues / relevant strategic issues?	

§ Discuss the scope of the SEA? (i.e., Is the scoping report attached?)	
§ Comply with the policy, legal, and administrative framework for conducting an SEA (including being in compliance with existing procedural and substantive guidelines)?	
§ Comply with the TORs?	
§ Identify all sources of information, including expert judgment & matters of opinion?	
§ Provide adequate information (i.e. comprehensive, rigorous, understandable, & in compliance with the TORs) from the point of view of the PPP owner? What is missing? **	
§ Provide adequate information from the point of view of the key stakeholders & the TORs? What is missing? **	

DETAILED CONTENT REVIEW

3. DESCRIPTION OF THE PROPOSAL (+ LINKS)	Comment
Does the SEA report:	
§ Clearly highlight the strategic action's purpose and objective(s)?	
§ If the SEA procedure was simultaneous with the PPP-making process, does the SEA describe how the SEA and the PPP-making processes were integrated: <ul style="list-style-type: none"> ○ Simultaneous with integrated SEA process (i.e., one team): Does the report describe what inputs & how the SEA inputs were integrated? Is this well documented? ○ Simultaneous with parallel SEA process (i.e., two teams): Does the SEA report describe what inputs/how/when the SEA inputs were integrated into the various decision-making windows / opportunities)? 	
§ Identify the degree to which the PPP sets a framework for other projects/other activities (e.g., in terms of location, size, nature and operating conditions, or resource allocation and future projects that will require EIAs)?	
<ul style="list-style-type: none"> ○ Explicitly highlight the links to project-level EIA (i.e., Does it explain what type of projects requiring EIA will follow from implementing the PPP)? 	
§ Clearly outline the (expected) content of the PPP, including the area covered and the implementation timeframe?	
<ul style="list-style-type: none"> ○ Identify (&describe to extent possible) PPP implementation activities that could influence: <ul style="list-style-type: none"> § Important ecosystem services / important ecosystem diversity; § Areas with legal and/or international status? 	
<ul style="list-style-type: none"> ○ Identify (&describe to extent possible) PPP implementation activities that could influence: <ul style="list-style-type: none"> § Changes in land use or lead to the depletion of natural resources; § The production of raw materials, chemicals, and other hazardous products; § The generation of pollutants and wastes? 	
<ul style="list-style-type: none"> ○ Identify (and describe to extent possible) PPP implementation activities that could lead to these direct drivers of change: (also see Section 'Baseline'): <ul style="list-style-type: none"> § Land conversion; § Fragmentation (and isolation of important habitats); § Extraction / use of natural resources; § Wastes (all types); § Disturbance of ecosystem composition, structure, or key processes; § Introduction of alien species; § Restoration; § Population changes; § Conversion or diversification of economy or land use; § Enhanced transport, services, or access; § Marginalization and exclusion? 	
<ul style="list-style-type: none"> ○ Identify (and describe to extent possible) PPP implementation activities that could lead to indirect drivers of change: <ul style="list-style-type: none"> § Societal changes (demographic, economic, socio-political, scientific, or changes in social values) (e.g., a new technology could result in more intensive use of a resource in the future)? 	
§ Are the assumptions about what the strategic action will 'look' like when implemented clearly stated or, if implicit, do they make sense? (This query is repeated in Section 6)	

4. POLICY AND LEGAL FRAMEWORK AND RELATIONSHIP TO OTHER PPPS	Comment
Does the SEA report:	
§ Clearly explain the PPP's links to other related PPPs, including links between the strategic action and related higher- and lower-tier strategic actions?	
Consistency and Compatibility Analyses:	
§ Does the SEA identify & describe any conflicts that exist between the SEA objectives (e.g., an internal consistency analysis on the SEA objectives)?	
§ Does the SEA identify & describe any conflicts that exist between the PPP's objectives (i.e., internal consistency analysis of the PPP objectives)?	
§ Does the SEA identify & describe any conflicts that exist between the SEA objectives & the PPP's objectives (compatibility analysis)?	
§ Does the SEA identify and describe any conflicts that exist between the PPP's objectives & the objectives of other PPPs (compatibility analysis)?	
§ Where the proposed PPP, other strategic actions, or other objectives are in conflict, does the report clearly document the reasons for the conflict and does it make recommendations on how to reconcile the PPP [or how to reconcile the other PPP(s)] to promote sustainability? <ul style="list-style-type: none"> ○ Where identified conflicts are not reconcilable, does the SEA explicitly state which PPP, action, or objective will dominate? 	
§ Does the report succinctly summarize all of above, highlighting the most relevant to the PPP (relevant in terms of important problems and/or tier of assessment)?	

5. ENVIRONMENTAL BASELINE DESCRIPTION	Comment
Bearing in mind the likely PPP activities (identified in section 3), does the SEA report:	
§ Describe the relevant aspects of the current biological, physical, social-cultural, and socio-economic environment, as per TOR requirements?	
§ Provide a 'trend' analysis of relevant, important aspects (i.e., does it describe/predict the future environment without the PPP)?	
§ Describe in detail the environmental characteristics of the area likely to be significantly affected, including areas beyond the physical boundary of the PPP that are likely to be affected?	
§ Specifically, does the SEA provide sufficient information / baseline information on the likely significant effects of the different options on (where relevant):	
Biological component: § Biodiversity & ecosystem services; § Protected areas;	
Physical component: § Soil § Water § Air § Climate & climate change § Landscape	
Social-cultural and socio-economic component: § Population § Human health § Cultural heritage, including architecture and archaeology § Material assets § Resource use (e.g., water, land use) § Economy	
§ And, the (important / relevant) interrelationship between the above biological, physical, and social-cultural and socio-economic components?	
§ Does the baseline data cover more than just an inventory of species? Was there a focus on important <u>ecological</u> systems, their <u>services</u> , their resilience, and vulnerability, & the <u>significance of the ecological services for human well being</u> ?	
Does the report:	
§ Explain data sources, data gaps, and assumptions, where relevant?	
§ Describe the tools & methods used to complete the baseline description?	

6. DETERMINATION OF IMPACT SIGNIFICANCE & EVALUATION OF ALTERNATIVES / OPTIONS	Comment
6.a Impact identification, prediction, & evaluation	
§ Are assumptions about what the strategic action will 'look' like when implemented clearly stated or, if implicit, do they make sense? (Same query seen in Section 3)	
§ Are assumptions about the likely impacts of the strategic action's implementation clearly stated, or if implicit, do they make sense?	
§ Is the area and time over which the predictions are made appropriate?	
§ Is an effort made to prioritize those effects that most affect sustainability?	
§ Is the level of detail of the predictions appropriate (is it proportional to the level of detail of the strategic action & the baseline data, and is it 'fit for purpose'? Are the predictions overly-detailed or insufficiently detailed?)	
§ Is the level of uncertainty regarding the predictions documented?	
§ For each alternative/option, are the likely significant impacts on the environment identified, described/predicted, and evaluated?	
§ For each alternative, does the SEA:	
○ Identify both positive and negative effects?	
○ Identify the probability, duration (short-, medium-, or long-term, permanent or temporary), frequency, and reversibility of the effects?	
○ Identify the magnitude and spatial extent of the effects (geographical area and size of population affected)?	
○ Identify the secondary, cumulative, and synergistic effects?	
○ Identify the trans-boundary effects?	
○ Identify risks to human health and to the environment (e.g. due to the risk of accidents)?	
○ Are the impacts on different groups of people identified and evaluated (e.g., on those stakeholders already negatively affected by environmental impacts and risks)?	
§ Has impact evaluation been carried against a clearly stated and reasonable basis? e.g., evaluated against the current situation, future situation, environmental standards, SEA objectives, or environmental limits?	
§ In evaluating ' significance ', is the 'importance' of environmental components considered using various ways of viewing importance e.g.: <ul style="list-style-type: none"> ○ Institutional recognition (i.e., the attribute is acknowledged in the policy and legal framework or has relevant accepted standards, regulations, and thresholds); ○ Public recognition (i.e., the public recognizes the feature as important); ○ Technical recognition (i.e., the feature is recognized as important based on scientific or technical knowledge)? 	
§ Were the tools/methods used to identify and evaluate impacts adequate?	
6.b Evaluation of alternatives/options & recommendations on the preferred	Comment

alternative/option	
§ Was each alternative/option evaluated against the SEA objectives or relevant baseline?	
§ Were the environmental and sustainability effects (both adverse and beneficial) of each alternative/option compared to the other alternatives/options?	
§ Were the residual impacts (impacts remaining after mitigation) of each alternative/option evaluated and compared?	
Does the SEA report:	
§ Outline how the alternatives were assessed & the reasons for selecting the preferred alternative(s)? <ul style="list-style-type: none"> ○ Did the assessment & the procedure for comparison use credible tools/methodology? ○ Did the evaluation/comparison of alternatives involve appropriate stakeholders? 	
§ Are credible reasons given for eliminating certain alternatives?	
§ Are 'tradeoffs' explained and justified?	
§ If 'tradeoffs' are necessary: <ul style="list-style-type: none"> ○ Are irreversible impacts avoided? ○ Are impacts that would exceed environmental thresholds or limits avoided? ○ Are sensitive areas avoided? ○ Are areas that have already been cumulatively affected avoided? ○ Is greater weight given to longer-term impacts? 	

7. MITIGATION & ENVIRONMENTAL MANAGEMENT & MONITORING PLAN (EMMP)	Comment
7.a Mitigation: Does the SEA report:	
§ Document that the mitigation hierarchy of first avoidance, then mitigation, and then compensation was followed?	
§ Identify measures to avoid, reduce, repair, or compensate for any significant adverse effects of implementing the PPP?	
§ (Mainly) propose mitigation measures that are within the authority's remit or control?	
§ Identify measures that are likely to be effective (i.e., measures that will manage a good share of the impacts caused by the strategic action)?	
§ Clearly commit to measures to avoid, reduce, repair, or compensate for any significant adverse effects of implementing the PPP (e.g., is there a budget and an organizational framework for implementing impact mitigation & monitoring)?	
§ Identify & commit to measures to enhance positive effects of implementing the PPP?	
§ <u>Where relevant</u> , identify mitigation measures that need to be taken into account in follow-on project consents (e.g., does it identify subsequent EIAs? or the need to conduct specific types of assessments e.g., poverty impact assessment or gender impact assessment)?	
7.b EMMP: Does the EMMP:	
§ Summarize the impacts related to the PPP?	
§ Describe the mitigation measures envisaged to prevent, reduce, or compensate for any significant adverse effects on the environment related to the PPP [including the need for subsequent EIAs or the need for specific designs, equipment, or operating procedures]?	
§ Summarize the enhancement measures related to the PPP?	
§ Describe the EMMP implementation framework:	
○ Explain how existing monitoring arrangements may be used, where appropriate?	
○ Propose monitoring measures that are clear and practicable?	
○ Provide clearly defined indicators based on the baseline information and on the objectives of the PPP and the SEA?	
○ Describe the measures envisaged to monitor the significant environmental effects of the PPP implementation?	
○ Describe how monitoring will identify & manage unforeseen adverse effects in a timely manner, e.g., in the case where SEA predictions prove to be inaccurate? Does the EMMP provide thresholds that signal the need for corrective actions?	
○ Propose adequate action in response to significant adverse effects?	

○ Ensure that the collected monitoring data addresses deficiencies in the SEA's baseline information?	
○ Describe the institutional arrangements (responsibilities for mitigation and monitoring, & any coordination arrangements)?	
○ Describe the implementation schedule (e.g., methods, sampling locations, detection limits, timing, frequency of measurements & duration of mitigation measures)?	
○ Describe reporting procedures?	
○ Provide cost estimates (initial investment and recurring expenses)?	
○ Provide for institutional strengthening and capacity building requirements (equipment requirements & training requirements)?	
§ Describe how stakeholders provided input to the mitigation and monitoring plan?	
§ Describe the role of the various stakeholders (including the public) during the EMMP implementation?	
§ Define outcome indicators?	
§ Provide an evaluation plan (with adequate budget and clear responsibilities)?	

8. CONSULTATION PROCESS (DURING SCOPING, THE SEA STUDY, THE SEA REVIEW, AND DURING IMPLEMENTATION AND MONITORING)	Comment
§ Was there an effective co-operation between the SEA team and the PPP owners/developers? If not, how could this be improved in the future? (May require interviews)	
§ Was SEA consultation an integral part of the PPP-making process [in the case of a simultaneous (parallel or integrated) SEA model]?	
§ Was SEA consultation integrated into the SEA design and implementation (e.g., were stakeholders consulted on the SEA TORs, the baseline, the evaluation of alternatives, the identification of mitigation and monitoring measures, and the SEA review)? (Relevant to the 'separate' and the 'simultaneous' SEA model.)	
§ Overall, was the consultation process adequate and effective? How could it be improved in the future?	
§ Was there broad participation in the SEA, that is: <ul style="list-style-type: none"> ○ Were relevant professional, technical, social, and NGOs groups represented? ○ Did the decision-makers participate (to ensure adoption and endorsement)? 	
§ Were the communication methods effective, i.e., tailor-made to the needs of the different audiences?	
§ Did the SEA process promote collective learning and feedback? Did the SEA process support the development of local assessment capacity?	
Does the SEA report:	
§ Describe how/when the relevant stakeholders were identified and how their interests were analyzed (i.e., during scoping, SEA preparation, and SEA review)?	
§ Describe how/when the relevant authorities (including environment and health authorities), lead agencies, and the public were consulted (i.e., during scoping, SEA preparation, and SEA review)?	
§ Specifically, describe how/when the draft PPP and the draft SEA report were made available to relevant authorities, lead agencies, and the public and how/when they were allowed to express their opinions on the documents?	
§ Was an appropriate range of stakeholders consulted (i.e., was the stakeholder analysis sufficient)?	
§ Were these stakeholders consulted in ways and at times that gave them an early and effective opportunity with appropriate timeframes to express their opinion on the draft PPP and draft SEA report:	
○ Lead agencies and other authorities?	
○ Environmental and health authorities?	
○ Expert committee (TAC, SERC, or IEC)?	
○ The public (or more likely, the designated public representatives likely to be affected by, or having an interest in the PPP)?	
○ Was there an effort to involve vulnerable stakeholders (e.g., very poor) in the consultation? If so, was it successful? How could this be improved in the future?	
Does the SEA report:	
§ Summarize & address all stakeholder views?	
§ Highlight how the consultation results were considered in decision-making?	
§ Provide adequate documented evidence of the consultation events?	

§ Outline a grievance mechanism if stakeholders feel that their opinions have not be sufficiently addressed?	
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OUTCOME REVIEW

9. DECISION-MAKING	Comment
§ Was the SEA conducted as an integral part of the decision-making process? [i.e., In the case of a simultaneous SEA model (integrated or parallel), were SEA inputs considered during decision windows? In the case of a separate or an ex-post SEA, were SEA inputs considered when approving, revising, or amending the strategic action]?	
§ Does the Final SEA Report explain how the SEA findings & stakeholder inputs were considered during decision-making?	
§ Was the Final SEA Report and the opinions of those consulted taken into account in finalizing and adopting the PPP?	
What was the influence of the SEA on the PPP process?	
§ Was the SEA proactive? i.e., Did the SEA provide assessment results early enough to influence decision-making?	
§ Did the SEA provide useful information for those responsible for developing the PPP?	
§ Did the SEA identify the issues most important to sustainable outcomes, rather than dealing with all environmental issues?	
§ Did the SEA address questions & concerns not initially included in the PPP? What was appreciated most? What proved irrelevant?	
§ Could the SEA findings be effectively conveyed to the decision makers?	
§ Were decision makers willing to consider the SEA inputs and willing to integrate the findings into decision-making?	
§ Did the SEA actually make the PPP more environmentally sound?	
§ Did the PPP process make sufficient reference to the findings of the SEA?	
Did the SEA build capacity and improve accountability/transparency?	
§ Did SEA empower weak and vulnerable stakeholders?	
§ Did the SEA help build capacity by training decision makers on implementation?	
§ Did the SEA build capacity to collect data and provide documentation?	
§ Did the SEA enhance the transparency of the decision-making processes and accountability of decision makers on the environmental implications of the PPP?	
§ Did decision makers justify/correct their decisions based on SEA findings & SEA monitoring?	
§ Did the SEA exercise lead to a better understanding of the potential of this approach? Did the SEA exercise encourage subsequent SEA applications (did the SEA results identify other PPPs requiring SEA? Was the SEA process fruitful	

and/or a positive experience, making the participants more willing to participate in the next SEA)?	
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** Some of the above questions may require interviews.

10. IAIA SEA PROCESS REVIEW	Comment
Was the SEA Integrated?	
Did it: § Ensure an environmental assessment/sustainability appraisal of all the PPP's strategic decisions? § Address the interrelationships of biophysical, social, and economic aspects? Was it: Tiered to policies in relevant sectors & transboundary regions and, where appropriate, to project EIA and decision-making?	
Sustainability-led? Did it: § Facilitate identification of more sustainable development options & alternatives?	
Focused? Did it: § Provide sufficient, reliable, usable information for planning & decision-making? § Concentrate on key issues of sustainable development? § Was it customized to the characteristics of the decision-making process? § Was it cost- and time-effective?	
Accountable? Was it: § The responsibility of the strategic decision's lead agencies? § Carried out with professionalism, rigor, fairness, impartiality, and balance? § Subject to independent checks and verification? Did it: Document & justify how sustainability issues were considered in decision-making?	
Participatory? Did it: § Inform & involve interested and affected public and government bodies throughout the decision-making process? § Explicitly address stakeholders' inputs & concerns in the report & in decision-making? § Provide clear, easy-to-understand, necessary information? § Ensure sufficient access to all relevant information?	
Iterative? Did it: § Make available the assessment results early enough to influence the decision-making process and inspire future planning? § Provide sufficient information on a strategic decision's actual implementation impacts to judge whether the decision should be amended?	
Overall comments on the SEA process: § What is/what was the view of key stakeholders (particularly the more vulnerable) and those responsible for developing the PPP on the SEA procedure and results? § How could it be improved in future? § What were the most significant constraints to achieving an effective SEA? § What were the most significant positive factors ensuring success of the SEA? § Did the SEA address equity, social acceptability, and incorporate the precautionary principle?	

** Some of the above questions may require interviews.

11. SEA PERFORMANCE REVIEW: IMPLEMENTATION, MONITORING, & EVALUATION	Comments
Did the SEA predict future outcomes correctly?	
§ Were the assumptions made during the SEA for modeling impacts and/or institutional and governance requirements correct?	
§ Were there any PPP-related unforeseen impacts? Explain.	
What was the influence on the <u>implementation</u> process?	
§ Did the SEA improve the strategic action (i.e., did the SEA result in relevant amendments / modifications to the PPP? Did it identify more sustainable alternatives?)	
§ Did the SEA lead to more effective implementation? (e.g., Did it inform subsequent lower-tier decision-making? Did it improve monitoring and follow-up?)	
§ Did the SEA succeed in actually changing the PPP implementation or budget plans, or other subsequent measures, making the PPP more environmentally sound?	
§ Did the PPP implement measures that better reflect the goals of sustainable development?	
§ Were the options implemented in a more environmentally-sound manner?	
§ Did the recommendations of the SEA lead to: <ul style="list-style-type: none"> ○ Institutional development (e.g., an advisory group on environment or better inter-sectoral coordination)? ○ Subsequent EIA requirements? ○ Improved governance (e.g., empowerment of vulnerable stakeholders)? ○ More sustainable implementation / more sustainable resource use by the PPP? 	
§ Did the different stakeholders implement their relevant SEA recommendations?	
§ How do the stakeholders view the SEA process and its outcomes now?	
What was the influence on direct & indirect goals of sustainable development?	
§ Are there any indications that the SEA contributed to: <ul style="list-style-type: none"> ○ Achieving MDG 7 and /or other goals of relevance in the particular case? ○ Environmental protection and sustainability? ○ Improving conditions of environment and natural resources in the relevant area? ○ Enhancing transparency, accountability, and good governance? ○ Improvements to future PPP making? (e.g. Were key environmental issues identified? Were lessons learnt? Do planners have a better understanding of sustainability issues?) 	
§ Did the sustainable development benefits of the SEA outweigh the costs of conducting the SEA?	