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# SEA of Montenegrin National Spatial Plan – A Case Study

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Montenegro is a very rich country in terms of landscape, biodiversity and natural resources and has one of the strongest development potentials among the Balkan economies. Located in a region characterised by a tradition of central planning, Montenegro has known a regular cycle of national spatial planning. In 2002, the Montenegrin government commenced preparations for the development of the next national spatial plan. This plan has a broad scope; it is not limited to spatial interventions, but also encompasses socio-economic development, environmental conditions, cultural heritage, etc. The plan is intended to direct spatial development until 2020 and the key issues that need to be addressed in that timespan include energy generation, major infrastructure expansion, tourism development and regional disparities in population and economy. The national spatial plan is the country's most important strategic planning document, and takes primacy over other strategies and plans.

### **Role of the SEA**

The Montenegrin government initiated a Strategic Environmental Assessment (SEA) for the national spatial plan for two reasons: firstly, to build capacity within Montenegro for SEA application, and secondly to identify opportunities to improve the plan. There was a clear added value that the SEA could have for the planning process, since discussion on the plan content had already identified a number of key environmental, social and economic issues that were of public concern.

The SEA was proposed by the Ministry of Environmental Protection and Physical Planning, (now the Ministry of Tourism and Environment). It formed part of a capacity-building programme for SEA which was funded by the World Bank through the Bank's Netherlands Partnership Program. The Netherlands Commission for Environmental Assessment (NCEA) provided expert advice to the Montenegrin government during the process.

### **Integration of SEA into planning**

When the SEA was initiated in 2006, the planning process for the national spatial plan was already well under way. Preparatory work on the development of the plan had formally started in 2002 with a substantial programme of data collection. Preparation of the draft text of the plan followed in 2004. By the time the SEA activities commenced, a full draft had already been prepared. As a result, the SEA was not well integrated into the plan drafting stage. However, the SEA was part of the consultation on the plan that followed, and both the SEA and plan were addressed in the political arena and simultaneously in public discussions. The plan that was finally adopted incorporated some revisions based on insights from the public discussions and the SEA.

### **Background: context and issues**

In the past few years, the Montenegrin government has begun to align its policies and regulations with the EU, with a view to becoming an EU member state. This alignment includes the EU SEA directive. At the time the national spatial plan SEA was initiated there was no legal requirement to undertake such an SEA, but it was carried out in anticipation of the new Montenegrin law on SEA which had been enacted in 2005 and was scheduled to come into force on 1 January 2008 (by which date it was assumed that the plan and SEA would have been completed). This SEA requirement has implications for Montenegrin planning practice. It introduces new elements to planning, such as the emphasis on alternatives, and also reinforces existing planning elements, including participation.

## **Approach and methods used in the SEA**

### **Scope of the SEA**

The understanding of the scope, purpose and role of the SEA changed over the course of the SEA process. The initial brief and Terms of Reference envisaged by the NCEA proposed a fully integrated study involving several government

departments and specialists, with an external international expert acting as facilitator and trainer, working over a six-month period. It was proposed that the SEA should focus on a few key environmental issues (infrastructure and energy, in particular) and demonstrate the likely outcomes of alternatives so as to assist decision-makers in making choices. However, due to presumed lack of capacity and time, it was decided to contract the SEA work to consultants. By the time a consortium of UK and Montenegrin consultants was awarded the contract, less than four months remained to complete the SEA in time to meet the Spatial Plan's finalization schedule. In addition, it became clear that all government resources were being devoted to preparation of the draft plan and there were limited prospects for the consultants' team to create active working links with individual ministries.

The shape and substance of the SEA also differed from the initial brief. The Terms of Reference that were finally agreed stated that the SEA should examine all aspects of the spatial plan, rather than concentrating on selected key issues. By doing this the SEA was responding to the plan structure, which consisted of a large set of proposals, rather than a consistent set of distinct strategies. In the way it was finally presented, the SEA followed the plan structure, describing the background of each plan element under examination, discussing the social, environmental and economic issues raised by the plan proposals and, where appropriate, giving recommendations.

### **Methods for impact analysis**

Both the plan and the SEA were predominantly based on expert analysis. A relatively complete set of in-depth baseline studies had been carried out preparatory to the plan: 20 sector studies had been conducted by the University of Montenegro, each containing an environmental section. However, lack of good quality data often limited the usefulness of these studies. Montenegro has a strong academic tradition and a wealth of data has been collected by universities and various government institutions. However, Montenegro's isolation during the Balkan hostilities resulted in the collapse of most systems for data gathering. As a result, vital information on recent trends is often missing. The most critical omission for spatial planning is the lack of records on new building development (most of this development is informal i.e. unauthorised).

Maps were available on e.g. environmental protection areas, technical infrastructure and transport, network of settlements and key development zones in the country. Modelling for spatial planning is at a fairly rudimentary level of development, but with the assistance of different donors efforts to develop a national GIS database have begun.

### **Public participation**

As the process got under way, the SEA rapidly attracted attention from the wider public and media. National

television channels broadcasted significant sections of the SEA and plan workshop discussion and subsequent regional meetings. The national press also published extensive articles and interviews on the whole spatial planning process. The SEA became an important topic in the wide-spread programme of public consultation on two consecutive drafts of the spatial plan. Consultation on the SEA was not separated from the main planning discussion. The SEA seemed to be effective in anticipating the issues that were likely to be important to the public and articulated those issues well. This helped prepare participants, especially NGOs, for discussions with the government on effects and possible solutions. In some instances, these NGOs even quoted sections from the SEA verbatim.

### **Monitoring and follow up**

As a pilot exercise, the SEA did not go through a formal procedure for approval by the national competent authority, which would have been the Ministry for Tourism and Environment, after a restructuring that shifted spatial planning competences to the Ministry of Economic Development. The SEA made recommendations for monitoring activities, but did not include the development of a systematic monitoring scheme. As a result, the monitoring and evaluation system for the implementation of the national spatial plan has not been defined. The need for one is recognized in the final plan that was adopted, which includes a requirement to develop a monitoring scheme as part of plan implementation.

### **Quality review**

The Montenegrin Law on SEA that is now in place is particularly strong on the need for formal review of SEAs and future monitoring, although at the time of writing, the resources for undertaking this work were limited. The SEA pilot was not subjected to such formal review because it was conducted prior to the SEA law coming into force, but an informal review of the draft SEA report was undertaken by the NCEA.

The main critique the NCEA expressed of this early draft of the SEA related to its lack of depth and the absence of any real examination of alternatives. These shortcomings were acknowledged by the SEA team, although it was argued that given the time horizons it was difficult to avoid them. It was also necessary for the SEA project team to move with some caution in highly contentious areas, including a debate about future energy sources, the status of the national transport strategy, and prospects for national tourism.

## **Results and lessons**

### **Contribution to decision making**

The SEA influenced both the structure and the content of the plan, albeit modestly. In its original form, the draft national spatial plan was long, discursive and failed to identify any specific policies or actions. It simply covered every aspiration of the contributing ministries, even though many of these were directly in conflict with each other in

terms of demands for space and resources. The SEA put considerable emphasis on these shortcomings, and was reinforced by the messages emerging from the public debates. The redrafted plan had a simplified structure: perhaps the most significant change was the inclusion of policy statements.

As to the content of the plan, the most important influence of the SEA was the substantial revision and clarification of the tourism policies. The final plan recognised that the accommodation capacity in the coastal region needs to be carefully planned since the carrying capacity of the area has almost been exceeded. It also recognised the risks related to the development of ski tourism and proposed a more cautious approach in developing this form of tourism. In general, the final plan supports the development of a more diversified tourism offer, safeguarding environmental and landscape qualities.

However, the tourism sector was an exception; most other elements of the plan remained largely unchanged in the subsequent redraft. This, despite the fact that many participants in the public debate were critical of the intended direction of the spatial plan, including its endorsement of large-scale hydro power as the mainstay of a future energy strategy; also criticised were the ineffective measures it proposed for controlling illegal development and unconstrained expansion of road transport. These issues were highlighted in the SEA as being inconsistent with the country's stated goals for sustainable development.

Given the late stage at which SEA was introduced into the plan process (in the last four months of a four-year programme) it is perhaps not surprising that the government found it difficult to reverse the already defined policy directions.

In conclusion, it can be said that the SEA for the national spatial plan was very successful in two ways: one was by raising awareness (at all levels) on the SEA process and its purpose, as well as on the forthcoming Montenegrin legal SEA requirements; the other was the highly valuable contribution the SEA made to the public discussion that was part of the plan development. The SEA also affected the attitude and capacity of some of the stakeholders, most notably of the civil sector that played a prominent and constructive role in the process. On the other hand, the SEA did not impact substantially on the development of institutional capacities and – with the exception of tourism policies – it did not have a major impact on other sectoral solutions endorsed by the plan.

### **Lessons for SEA good practice**

This SEA case presents a range of valuable lessons:

- The SEA was undertaken in a transparent and participative way. The SEA information was made widely available, while at the same time SEA awareness-raising activities

were taking place, albeit at a modest scale. As a result, the SEA enjoyed wide uptake in the participation surrounding the plan, and was central to the public debate.

- The development of the plan took longer than anticipated, and major planning milestones were postponed several times. The SEA, however, had to be finished before a certain date, because of contractual commitments. This put severe constraints on the alignment of both processes and the effective use of SEA results in planning. The SEA would probably have been more effective if it had truly developed in parallel with the plan process: this has been a repeated message from SEA practice.
- The pressure to complete the SEA also limited the effectiveness of the independent quality review undertaken by the NCEA. At the time the review was provided, the SEA team had very little time to incorporate the review findings. Consequently, the recommendations that were relatively easy to follow up can be more clearly recognised in the final SEA than those that were more far-reaching.
- There was also a difference in SEA conceptualisation between the review advice (both at the ToR stage and the review stage) and the SEA team. The NCEA's advice strongly emphasised the value of SEA in exploring and evaluating suitable strategic planning alternatives. In the SEA itself there was less emphasis on this development of alternatives. Instead, the SEA was used to assess an existing set of policies, plans and programmes, to point out the consequences of each policy, and indicate ways in which the policy could be enhanced. The benefit of this broad approach is that the plan was dealt with in its entirety, all policy proposals were analysed, and the associated environmental risks and opportunities indicated. However, at the same time it was not possible to go into the major issues in depth, particularly the impacts and possible alternatives for the proposed energy, tourism, and transport policies. The SEA team chose the broad policy assessment approach in response to changing conditions, treating the SEA as a dynamic process which should follow broad principles but has the freedom to diverge from established norms and guidelines as appropriate. However, which of the two approaches (broad versus more focused) best serves a planning process of this abstraction level remains a point for discussion.
- Finally, a lesson can be learned on the involvement of local consultants in the SEA. Originally it was intended that the SEA would be undertaken by a consortium of Montenegrin and foreign consultants. This set-up was attractive, since the external expert team was more experienced, and had more standing, but the local team was better aware of political issues and available information. Unfortunately it proved unfeasible given the timeline for the SEA. The Montenegrin consultants, being new to the topic, needed more lead-in time to be able to complete the tasks required, and as a result the majority of the work was done by the UK-based consultancy, Land Use Consultants.

It is too soon to tell if these lessons learned have benefited subsequent SEA practice in Montenegro. What is clear is that since the Montenegrin SEA Law came into force, SEA experience in the country has been growing. SEA is now being applied to spatial planning at local level, as well as to national level policies. And perhaps with more pronounced outcomes. So far, the application of SEA to the National Energy Strategy has resulted in significantly enhanced policies on wind energy, solar energy, and biomass energy from waste, while the SEA of the National Tourism Master Plan led to a Government decision to prepare a Tourism Strategy to better steer development.

#### Role of the NCEA

- The NCEA carried out a needs assessment on SEA in November 2005.
- An NCEA working group issued an advisory report on the Terms of Reference for the SEA in April 2006.
- The NCEA organised a 4-day workshop on SEA together with REC Albania in November 2006.
- In December 2006, the NCEA reviewed the draft SEA.
- The NCEA assisted in drafting a multi-year SEA capacity development strategy in June 2006 and January 2007.
- As part of an ongoing process, in 2006 and 2007 the NCEA contributed to discussions with stakeholders on SEA introduction in Montenegro.

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