

views

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Environmental
Assessment

and experiences 2012



Netherlands Commission for
Environmental Assessment

Series no. 11

25 years of EA
in the Netherlands

SEA for waterplans:
options for the future

The Macedonia
Case

Mission statement

The Netherlands Commission for Environmental Assessment (NCEA) is an independent advisory body of experts which advises government at home and abroad on the quality of environmental assessment and makes its extensive knowledge of environmental assessment available to all.

About the NCEA

The Netherlands Commission for Environmental Assessment (NCEA) was established as an independent advisory body of experts by decree in 1987. The NCEA advises governments on the quality of environmental information in environmental assessment reports (EIA or SEA reports). These reports are not written by the NCEA: they are usually written by consultancy bureaus, for private initiators, local or provincial authorities and central government. The NCEA does not get involved in decision-making or political considerations. The NCEA's activities abroad, are usually commissioned by the Ministry of Foreign Affairs. In line with their programme, attention is paid not only to environmental impacts but also to social and economic impacts, for example the living standards of local residents.

The three most important qualities of the NCEA are:

- independence
- expertise
- transparency

The NCEA's status as an autonomous foundation, ensures that its assessments are achieved independently from government accountability and political considerations. As well as issuing advisory reviews, the NCEA focuses on sharing and disseminating knowledge on environmental assessment.



Foreword

It is with some pride that I present to you this overview of recent experiences and lessons learnt on environmental assessment by the Netherlands Commission for Environmental Assessment. It is a good tradition of the organisation that I chair, to record what we have learnt on a fairly regular basis, and make it available to a wider audience. I see this as an important element of our functioning as EIA and SEA knowledge centre, as well as a stimulus for continuous innovation and adaptation. Our first overview was published in 1994 and we are now presenting you our seventh volume.

Since 1987, when EIA legislation was first implemented, the art and science of environmental assessment has evolved and broadened considerably. Various issues emerged both in our national and international work, such as more attention for monitoring of impacts during implementation, new water plans following the EU Water Framework Directive and cross-border discussions with our neighbours Belgium and Germany. We have seen the role of public participation change after modernisation of EA legislation, and we have gained more experience with effective capacity development of EIA and SEA systems in various (developing) countries. All of these topics are covered in this publication.

We have tried to give a balanced overview of both our work in the Netherlands and in international cooperation. These two fields cross-fertilize each other. From the outset the international activities benefited from Dutch practice experience. It is fair to say that the Dutch activities are as much inspired by the international work as vice versa. Particularly because the application of environmental assessment in countries in the early stages of development of their approach, can often be more open and broader than in more developed systems.

Let me conclude with expressing my hope that this collection of experiences will contribute to ongoing discussion and cooperation with regard to the progress of environmental assessment. In addition, I certainly hope that this publication will give you as much pleasure in reading, as we had in compiling it. Finally, I would like to express my gratitude to the Dutch government, because of their support to our knowledge centre, in particular the Ministry of Foreign Affairs and the Ministry of Infrastructure and the Environment, both of which have made publication of this document possible.

Niek Ketting
Chairman, NCEA

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A Gold Medal for Environmental Assessment

Veronica ten Holder

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A large number of Dutch water plans were drawn up or updated in 2008/2009 in response to the introduction of the European Water Framework Directive. This was the first time SEA procedures were incorporated. The positive and negative experiences of using SEA for these plans were evaluated. This article sums up these experiences and provides tips for the future.



The Sand Motor: Building with Nature

Johan Lambrechts, Zjev Ambagts, Evelien van Eijsbergen

The struggle with water has marked the development, contours and character of a large part of the Netherlands. Due to continuous intervention, the Dutch have reduced the threat from both the sea and rivers. This article focuses on the EIA for a pilot project known as the 'Sand Motor', in which coastal erosion is combated by using the forces of nature.

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The effects of plans and projects do not stop at national borders. That is why there are European and international rules on environmental assessment that guarantee cross-border operation. This article describes how these rules have been adapted to the Dutch situation and, with case studies, illustrates where and how the Netherlands have cooperated with neighbours Germany and Belgium.

Lessons Learnt on Capacity Development for Environmental Assessment

Rob Verheem

What constitutes effective capacity development? In 2011, the Evaluation Department (IOB) of the Ministry of Foreign Affairs published the findings of an evaluation of capacity development efforts in developing countries of the NCEA and six other Dutch organisations. By evaluating practice experience, the IOB hoped to identify the factors that determine effectiveness. This article summarises some of these factors, focusing on lessons learnt regarding capacity development of EIA and SEA systems.

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Countries that aspire to become an EU member, such as Macedonia, are in the process of implementing European legislation for example on SEA (SEA Directive 2001/42/EC). The Netherlands have a long track record in SEA practice. Sharing experiences with Macedonian colleagues supports them in bringing their SEA system into line with the European standards. This article describes the NCEA's approach and identifies the key factors for success.

Public Participation in EIAs and SEAs: Lessons Learnt in the Netherlands and their Application Abroad

Ineke Steinhauer and the Dutch Centre for Public Participation

Public participation has been internationally recognised as one of the basic pillars of effective environmental assessments, alongside transparency and good quality information. This article reflects on the experiences of the NCEA in the Netherlands and abroad. Principles and recommendations for effective public participation are outlined and illustrated with examples from practice.

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Twenty-five Years of EA in the Netherlands

Veronica ten Holder

There is good reason to celebrate: over the past 25 years environmental assessment (EA) has found its place and demonstrated its value in the Netherlands. EA results in greater environmental awareness and more environmentally friendly decisions, as recent research shows. The focus has shifted in various ways, from environmental impact assessment (EIA) to strategic environmental assessment (SEA), from rigid procedural requirements to a more tailor-made approach, from a comprehensive approach to a selective one and from a sector-specific approach to an integrated one. The Environment and Planning Act is to be taken in hand over the next few years under the motto ‘Simple and Better’. With EA strongly embedded in this new legislation, environmental information is sure to continue to figure prominently in Dutch plans and projects for another 25 years.

The Netherlands celebrated 25 years of EA in 2011. The Dutch legislation on EIA, based on the EU directive on the subject, entered into force in 1987, and it was in the same year that the Netherlands Commission for Environmental Assessment (NCEA) was given statutory status. Long before then, however, experience with environmental assessment had already been gained through pilot schemes and with a provisional commission. The first official advisory report by the provisional NCEA, on a new tunnel beneath the Nieuwe Waterweg in the Port of Rotterdam, dates back as far as 1982.

Now is a good time, with an official 25-year history and over 2,600 EA projects and plans behind us, to look back on the development of EA in the Netherlands and forward to the future. The study of 25 years of EA in the Netherlands concludes that EA has found its place and demonstrated its value, while suggesting areas for improvement. So we have good reason to celebrate – but there is still work to be done!

What follows is a brief overview of the NCEA's experience over the past 25 years and a glimpse into the near future.

Past and Present

The Dutch EIA system was fleshed out in the early 1980s. At the same time discussions were ongoing on the desirability and content of regulations at European level. The Netherlands deliberately decided to incorporate some elements in addition to those required by the EU directive, namely:

- Scoping, with broad civic participation and consultation of administrative bodies;
- The obligation to describe alternatives – including the most environmentally friendly alternative – plus their environmental impacts. Alternatives were thus made an essential component of EIA;
- A mandatory advisory report on Terms of Reference and a review of the EIA report by an independent advisory commission, the NCEA;
- EIA not only for projects but also for certain government plans, such as the National Structure Plan for the Electricity Supply and the allocation of residential and industrial areas.

In the 1990s EIA was used – and regarded – mainly as a way of identifying possible impacts scientifically. The information, often detailed, was required to be comprehensive and accurate. This resulted in the NCEA undertaking its review on the basis of extensive checklists. Whether all the information was actually relevant to the decision being taken was not the main issue. Consequently there were increasing calls for an EIA report to be more selective. Evaluations rightly called for more attention to be paid to scoping, and this was done. A number of provincial authorities introduced tailor-made EIA with a higher emphasis on scoping. Moreover, the NCEA started distinguishing in its advisory reports between information that was essential to the decision being taken and information that was 'good to know' or could be provided at a later stage.

Scoping was and still is important in EIA, but it is even more important in the case of SEA. Comprehensive, detailed information is simply not required at strategic level: indeed, at this level that kind of information often cannot be provided, nor is it appropriate to the decision being taken. Key figures and qualitative assessments based on expert judgement are much more appropriate here. The Netherlands gained experience with this at an early stage, as EIA was required for certain strategic plans right from the start. This experience came in very handy when implementing the EU directive on SEA in 2006: we got off to a flying start.

The universities of Groningen and Utrecht, commissioned by the Ministry of Infrastructure and Environment, carried out the study: *Naar een toekomstbestendig m.e.r. Lessen uit 25 jaar m.e.r. en een verkenning van kansen en bedreigingen voor de m.e.r. in de nabije toekomst* Towards future-proof EA: lessons from 25 years of EA and an exploration of opportunities and dangers for EA in the near future

“At the start of the planning process, not enough attention is paid to exploring possible solutions in a participatory process.”

For a more detailed explanation of the changes in the requirements for Public participation in EIA and SEA, see the NCEA article on Public participation in EIAs and SEAs: lessons learnt in the Netherlands and their application abroad

From the turn of the century there has been increasing criticism from politicians and administrators that environmental legislation has become too complex, that it imposes a heavy research burden and that it makes decision-making too slow and cumbersome. By 2000 the interests of the environment had been sufficiently internalized, it was argued. A powerful counter-argument was put forward in 2008 by a government-appointed think tank, which found that the cumbersome and sluggish decision-making is not due to the procedures and rules; the problem lies particularly at the start of the planning process, where not enough attention is paid to exploring a broad range of possible solutions in a participatory process.

Both these lines of argument gave rise to a desire to modernize EA, and intensive discussions on the position of EA and the role of the NCEA ensued. The debate finally crystallized in the Act to Modernise Environmental Assessment, which entered into force on 1 July 2010. The result is a stronger focus on SEA, fewer rigid procedural requirements and greater flexibility for the competent authorities to tailor the process, and more voluntary advisory reports by the NCEA. The NCEA has argued to safeguard the most important EA elements in strategic plans and complex projects: broad participation right from the start, research into alternatives and independent quality assurance. For the main characteristics of the present system, see p. 8/9.

The mandatory inclusion in EA of the most environmentally friendly alternative has been both applauded and vilified. Advocates, including the NCEA, have seen it as an effective way of forcing initiators to map out the best possible course in environmental terms, whereas opponents have seen it as red tape with no real value. Sadly, the most environmentally friendly alternative has been abandoned in the recent amendment to the law. What has remained, fortunately, is the obligation to set out alternatives that are attractive and realistic in environmental terms.

All evaluations that have been carried out have endorsed the value of the NCEA as an independent body that provides quality assurance. The current mandatory review of SEA and EIA for complex projects guarantees this role. Under the present system greater responsibility on the part of the competent authorities is combined with the option of voluntarily asking the NCEA for advice at the scoping stage and on EIA for simple projects. Extensive use is being made of this facility: for example, 40% of the NCEA's advisory reports in 2011 were commissioned voluntarily. Given the importance of proper scoping at the start of an EA process we will continue our efforts to have advice from the NCEA at an early stage more firmly embedded in the legislation.

The competent authorities can only fulfil their greater responsibilities if they have sufficient knowledge of both EA and environmental aspects, but this is in short supply, especially in the smaller municipalities. For them EA is a non-recurring event and they lack the capacity to develop expertise. The government has therefore empowered the NCEA to step up its role as a knowledge broker. We provide information to local authorities, proponents and NGOs in the form of descriptions of best practices, fact sheets, a digital newsletter and workshops on hot topics in EA.



The Future

Now, just under two years after the Act to Modernise Environmental Assessment came into force, there is a fresh debate on the position of EA. The present government has set itself the target of radically simplifying environmental law under the motto 'Simple and Better'. The aim is to integrate a large number of sector-specific Acts, regulations and permits into a single new Act, including those on spatial planning, transport, water management and nature conservation. The legislation on EA is also to be incorporated in the new Act.

The idea is to reduce the number of mandatory planning elements to five, as follows:

1. An integrated spatial plan at central, provincial and local government level, setting out general policy and integrating sector-specific interests
2. Application of this general policy in generic statutory provisions (at central government level) and by-laws (at provincial and local government level)
3. Sector-specific programmes insofar as these are required by the EU
4. Permits for cases where departure from the generic statutory provisions is required
5. Project decisions for complex projects under government management, such as the development of the Port of Rotterdam and large land-based wind farms. These project decisions will have a major effect, as they will take the place of permits for individual activities.

In this scenario local land-use plans, for instance, could be dispensed with. There is debate as to which planning elements should be obligatory and which optional, and where a framework needs to be laid down in line with the EU directive. The outcome will determine the position of SEA in the new system.

The Ministry of Infrastructure and Environment wants SEA to be better integrated in planning. This is a step in the right direction, as it will provide more opportunity to use SEA as an aid to planning and less as retrospective justification. In this way it will counterbalance the increasing legalization of EA.

Challenge

The challenge for us in the coming years will be to make more use of the NCEA's knowledge and experience in the SEA process – in other words not just to review but also to contribute ideas. The aim is to give competent authorities, initiators and stakeholders greater security and assurance that the various steps in the SEA process have been taken on the basis of good environmental information. This approach should produce better integration of SEA information in the planning process and a better basis for decisions along the way. We intend to apply this greater integration in a number of pilot advisory projects, and the results will also provide input to the debate on the new Environment and Planning Act.

Vision

Our standpoint in the debate is that it is important to make careful considerations that take the environment fully into account, in both SEA and EIA. In SEA because decisions are being made that have a decisive effect on the environment, for example on the utility and necessity of development, or on siting. SEA can help to prevent the need for discussion on the utility and necessity of projects and their location at a later stage, in the EIA. Strategic plans, however, will not be able to cover the planning issues relevant to the environment in all cases. Careful research will therefore still be needed into environmental impacts at project level, especially in the case of complex projects. Our position in the debate on the new Act therefore remains as follows: to assure its quality, a good EA regulation consists of proper scoping, participation, research into alternatives and input of independent knowledge during the process.

“The government has empowered the NCEA to step up its role as a knowledge broker.”

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Summary of the Dutch environmental assessment country profile

Legal framework

Framework/Enabling law

Environmental Management Act, 1987

National EA procedures

The Environmental Assessment (EA) procedure is established in Chapter 7 of the Dutch Environmental Management Act (EMA). The procedure is further specified in the EA decree and subsequent amendments. The existence, function and working method of an independent commission for environmental assessment (Netherlands Commission for Environmental Assessment - NCEA) is set out in Chapter 2 of the EMA.

Most recent update

The Environmental Assessment Modernisation Bill, 1 July 2010. The Dutch Environmental Assessment legislation has recently been revised.

- A simplified procedure for projects (EIA) with limited environmental repercussions.
- A full fledged procedure for complex projects (EIA), and for plans, programmes and policies (SEA)

Note that 'simplified' does not necessarily stand for 'easy', as minimum requirements are in place. The type of permitting procedure determines whether the *simplified* or the *full fledged* procedure applies to a project.

Exemptions from EA application

Projects and plans are exempt from EA requirement only in exceptional cases. For example in cases where public safety or public health are at issue if the activity is not urgently executed.

Integration of EA into decision-making

The EA procedure is connected to the permitting or approval procedure that must be followed for the plan or project in question. These requirements are set down in very diverse laws and regulations. This depends on the type of plan or project and the administrative body that is authorised for the preparation or adoption of these, i.e. the competent authority. Approval of the plans or projects follows this 'parent procedure' and the EA requirements are integrated into procedural steps as far as possible.

SEA tiering with EIA

The Dutch legislation specifically recognizes that different EAs may be needed for a series of subsequent decisions. The EMA has made a procedural allowance for situations where one initiative requires decisions at different levels, and therefore different EAs. In those cases combined impact assessment processes are possible. The EMA allows for:

- coordination of specific steps in the EIA/SEA procedure (such as where the public submits their written comments on the assessment, who makes public announcements on the EIA/SEA, etc.) and
- coordination of plan or project approval decision making, meaning coordination of separate decisions on environmental permitting and plan approval.

Institutional setting for EA

Central EA authority

Ministry of Infrastructure and Environment

Other (potential) parties involved in EA, and their roles

Five parties can be distinguished:

1. The competent authority responsible for the project approval or plan adoption decision
2. The proponent
3. The advisors and administrative bodies which, due to the regulatory requirements on which the plan or project concerned is based, must be involved in the preparation thereof, such as the environmental inspectorates and the heritage authorities.
4. The Netherlands Commission for Environmental Assessment (NCEA).
5. Citizens and other stakeholders.

(De)centralisation of EA mandates

The EA mandates are decentralised. Depending on the type of project, programme or plan and its EA requirement, it can be either the local municipality, the provincial authority or the central authority. The responsibility to ensure the EA requirements are met lies with the authority responsible for the project permitting or plan approval decision.

EA procedure

Screening

Screening requirement and authority

Screening is a required step in the EA regulation. The competent authority decides on the applicability of an EA in cooperation with relevant administrative bodies.

Screening process

To know if an EA is required, there are two lists, (C- and D-list) with specific activities and thresholds.

- Part C contains activities, plans and projects for which an EA is mandatory.
- Part D contains activities and projects for which a judgement whether EA is required is needed. This means that on a case-by-case basis a judgement must be obtained first on whether an EA is required or not. This judgement depends on the seriousness of the negative effects on the environment and the sensitivity of the affected environment.

Scoping

Scoping requirement

Scoping is a voluntary step in the *simplified* procedure and a mandatory step in the *full-fledged* procedure.

Scoping process

In the *simplified* procedure steps are as follows:

1. The proponent sends a written statement to the competent authority concerning the intention for an activity.
2. The proponent can then either:
 - a) request advice on scoping. The competent authority must provide an advisory report within six weeks. Or,
 - b) not request an advice on scoping. The competent authority may decide to issue an advice on scoping anyhow, but this is not mandatory.

If the competent authority chooses to give scoping advice it must consult government bodies and legal advisors on the content. An independent advisory report by the NCEA on scoping may be requested by the competent authority on a voluntary basis.



In the *full fledged* procedure, steps are as follows:

1. A notification of the proposed activity is published (notification of intent).
2. The proponent consults advisors and administrative bodies about the terms of reference for the EA report (scoping report);
3. The public may submit views on the proposed activity and on the terms of reference for the EA report.

Here too, an independent advisory report on the terms of reference by the NCEA may be requested by the competent authority on a voluntary basis.

Assessment and reporting

Assessment process

The EA report is carried out by or under the responsibility of the proponent.

Content of EA report

The regulation lists the following content requirements:

- Objective
- Proposed activity & alternatives
- Relevant plans & projects
- Current situation & autonomous development
- Effects
- Comparison
- Mitigating & compensating measures
- Gaps in information
- Summary

Review

Review process

In the *simplified* procedure: after the completion of the EIA report, the competent authority reviews whether the quality of the assessment is sufficient. The EIA report (together with the draft project) will be made available for public inspection. An independent quality review by the NCEA can be requested by the competent authority on a voluntary basis.

In the *full fledged* procedure: an independent quality review by the NCEA of the EIA/SEA report is mandatory. The NCEA evaluates the EA report and draws up an advisory report on the adequacy of the information provided. When necessary information is lacking, the NCEA makes recommendations for addressing this.

Decision making

Decision justification

The plan approval or project permitting decision must include an explanation of how account was taken of:

- The possible impacts on the environment described in the EA report
- The alternatives described in the EA report;
- The views by the public/stakeholders submitted with respect to the EA report;
- The advisory review issued by the NCEA (mandatory in full fledged procedure, voluntary for simplified procedure);
- Any major negative cross-border environmental impacts and the outcome of the consultations on this with the administrative bodies in the other country concerned.

Decision publication

The project permitting or plan approval decision is published in accordance with the requirements of the 'parent' procedure.

Monitoring

Monitoring requirement

After approval of a plan or project subject to the EA requirement, the competent authority concerned must investigate the actual environmental impacts during implementation. In case of non anticipated negative affects, relevant measures must be taken.

External monitoring

The competent authority and the environmental inspectorate are responsible for monitoring projects and plans and their impact on the environment. If the proponent is a private party, it is required to cooperate fully in providing information when requested.

Public participation

Public participation requirements

In the *simplified* procedure, public participation is only legally required after publication of the (draft) EIA report. The public can provide comments on the information in the report.

In the *full fledged* procedure there are two moments for the public to submit their views:

1. After the publication of the notification of intent/ terms of reference EA report (scoping)
2. After the completion of the EA report and before the project/plan in question has been decided on.

Access to information

With respect to the *simplified* procedure, the (draft) EIA report and the draft decision will be made available to the public.

With respect to the *full fledged* procedure, in addition to the above (EIA/SEA report), the notification of intent for the project or plan must also be published by the competent authority.

All documents are deposit for inspection at the office of the competent authority.

Legal recourse

Possibilities for appeal

The possibilities for appeal follow from the law of which the EA decision is part. It is not possible to appeal an EA decision alone. Only the decision on the planned activity can be appealed. However, if the EA procedure has not correctly or completely been followed, this decision can be annulled for that reason.

Who can appeal

The public, (organised) entities and administrative bodies affected by the project/plan.

Penalties

There are no direct financial penalties associated with appeal, but the project can be suspended.

EA practice

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Annual no. of EIAs / SEA's

There is no central EA database. However, the NCEA keeps a database with EIA's and SEA's where an advice by the NCEA was mandatory or voluntary requested.

Accreditation of consultants

There is no accreditation system of EA consultants in the Netherlands.

Professional bodies

Association of Environmental Professionals (VVM) www.vvm.nl

Toets Magazine, monthly magazine on EA practice and legislation. www.toets.nl



A Gold Medal for Environmental Assessment

Veronica ten Holder

When does an environmental assessment deserve a medal? Based on 25 years' experience of EA and analysing over 2,600 EA reports for projects and strategic plans, NCEA's answer is: Good communication, realistic alternatives, and impact assessment at relevant level of detail deserve a gold medal. That takes care of the top prizes. Of course the quality of EA depends on a host of other factors too, but without the ingredients mentioned above something is undoubtedly wrong. These three aspects are further described and illustrated in this article, - using concrete examples.

Good communication

Environmental assessment (EA) is an aid to decision-making. If it is to fulfil this function, environmental information must be incorporated in the plan development process right from the start. Participants in this process need to be able to think constructively about the decisions being taken, based on good environmental information. And the document that emerges at the end of the process, the EA report, must be accessible. This requires more than just an attractive format; the language must be easy for non-experts to understand. The law rightly demands a summary that is accessible to the public at large. And it is not just the public that needs this: the administrators too need a presentation in clear language of the options available to them, and the environmental impacts they are signing off on.

This article has previously been published (in Dutch) in a special issue of ROMagazine on 25 years of EA, vol. 29, November 2011

Accessibility also means that the successive steps in the decision-making process, from problem analysis to a detailed preferred option, can be followed and traced back. How many degrees of freedom are there at any given point in the process? In what order have the decisions been made? And the importance of good maps and illustrations must also not be underestimated. A table comparing the effects of alternatives with their pros and cons, which may or may not be colour-coded, often provides great clarity, showing the various impacts at a glance. You must, however, ensure that the pros and cons can be traced back to the information on actual impacts, otherwise you can justifiably be criticized for giving an incorrect impression of the effects.

Lastly, accessibility also means carefully selecting the essential points for the summary and the main report, and presenting detailed information in appendices if necessary. In the case of an EA report, the summary, the report itself and the appendices will often be written by different people in practice, and this can result in inconsistencies. It is worthwhile, therefore, to invest in good final editing.

“Alternatives lie at the heart of an EA”

Easy-to-understand language and good illustrations

A few years ago *Nederlandse Aardolie Maatschappij* (NAM - the Dutch petroleum company) wanted to extract gas from a gas field in a small municipality. This required the construction of an installation: over a number of years gas would be extracted and gas and by-products would be processed and transported, after which the installation would be demolished. Simple language, a clear structure and good illustrations resulted in a readable, easy-to-understand EIA report on this fairly technical project. The summary provided a brief but comprehensive and well-illustrated impression of the entire process for the average reader. For those wishing to delve more deeply into the subject there was the full EIA report and background reports, which were very accessible thanks to their clear structure.

Consistent information

The Riverland Water Board carried out very thorough and extensive research into the reinforcement of the so-called Diefdijk dyke system. The EIA report was also detailed and extensive, but because of the structure used for the reports this did not go at the expense of accessibility: the summary was good, clearly putting across the essential points in the EIA report; detailed information could readily be found in the appendices; the alternatives selected for examination were easy to trace back to the clearly formulated vision and problem analysis; and the large amount of high-quality maps made a major contribution to this communicative, consistent and substantively strong EIA report.

Realistic alternatives

The whole point of an EA is to show the options available with their environmental impacts. Alternatives, in other words, lie at the heart of an EA. How can you be sure that you are setting them out correctly?

Do not let yourself be guided entirely by executive preferences. Focus on realistic alternatives that could provide environmental benefits. Experience shows that alternatives put forward at the start by public submissions are often written off as not feasible or too expensive; they then continue to crop up in the debate, sometimes even getting as far as the courts. It is more effective and efficient to include these alternatives in the research. This does not always have to be highly detailed: a

general comparison of impacts may be enough to show how realistic an alternative is. And if a suggested alternative turns out to be less unrealistic than was thought, it makes sense to fully include it among the options. A general comparison can also be useful if there are a large number of realistic alternatives: this can be the first step in a funnelling process (in one or more rounds) to select a limited number of options for detailed examination.

There needs to be a focus on alternatives that provide environmental benefits. An alternative that merely complies with the statutory norms is not enough for an EA report. As environmental benefits can also be achieved within the limits permitted by the norm. This needs no explana-

tion as regards to an aspect such as landscape. Here are no rigid norms, but alternatives based on different landscape approaches may offer environmental benefits. There may also be health benefits from changes in air quality and noise level within the permitted limits. An alternative that reduces health problems is the obvious choice where the authority concerned has set itself the target of improving the quality of the living environment.

In most cases it is unrealistic to ask a private-sector proponent to come up with alternative sites. A private proponent is entitled to expect his site to have been properly considered by the authorities in planning decisions. Asking for siting alternatives is only realistic if a planning decision is absent and the activity does not comply with binding rules, as in the case of the Natura 2000 areas. If the proponent is a government body the scope of the alternatives can and should be different, as a government body has more room to manoeuvre. Siting alternatives should therefore be included as a matter of course.

Good impact assessment

A good impacts assessment is one that:

- is in line with the level of detail of the plan or project.
- allows for uncertainties.

In line with the level of detail of the plan/project

With the implementation of EA for spatial plans, among others, the range of EA procedures has expanded considerably. In this type of EA, quantitative impact descriptions do not generally make sense; qualitative risk analysis and expert judgement are more appropriate to this level of decision-making. A note of caution, however: if a spa-

Funnelling alternatives

A busy through road runs through Voorst, a small municipality in the east of the Netherlands. The traffic, including large numbers of lorries, causes congestion, noise nuisance and road safety problems. The EIA report aims to find a preferred solution by funnelling the alternatives. First 23 potential solutions are identified in consultation with residents and stakeholders. Based on a general problem analysis using GIS, the number of alternatives is reduced from 23 to 5. In the second step the impacts of the five alternatives are assessed in more quantitative terms, leaving two alternatives for detailed examination. This approach – funnelling alternatives with input from stakeholders and local residents – creates public support and prevents the need to explore too many alternatives in detail.

Correct scoping of alternatives

A consortium of private-sector entrepreneurs wishes to build a wind farm of some 90 turbines with a maximum capacity of 450 MW along the dykes of Lake IJssel. As central government wanted to make the wind farm possible under the planning system by means of a government structure plan, an in-depth strategic consideration of sites was needed. The environmental impacts of a number of sites in and around Lake IJssel have been compared. As this involved a plan being promoted by national government, design alternatives alone were not enough; it also needed to be explained why the development should be so large and why it should be sited along the dyke.

tial plan contains highly specific conclusions that are directly reflected in specific final plans, more detail will be needed.

Allowing for uncertainties

The uncertainties in projected impacts can be substantial: the uncertainty factor in traffic forecasts and effects on air quality is at least 20%, and it is even higher in the case of certain effects on nature. Hitherto not much allowance has been made for this in an EA report and decision-making. However, it is only possible to draw correct conclusions on the ranking of alternatives and whether particular alternatives really are different if un-

certainties are taken into account. Modelling provides what appear to be hard figures down to several decimal places. Based on these results, conclusions are drawn as to whether norms are complied with and which mitigating measures are taken.

Given the uncertainty of model results it may therefore be that in reality:

- the impacts are better than expected and consequently too many measures have been taken.
- the impacts are worse than expected and consequently not enough measures have been taken.

Uncertainties can be dealt with sensibly by including a set of ‘fall-back’ measures in the EA in case the effects are worse than expected.

Gold medal for EA

These, then, are the most important ingredients for a successful EA process and a high-quality EA report. And we know for a fact that they are used from the large number of cases, some of which are shown here. These examples serve as inspiration, so that even more EA processes can be awarded a gold medal in the years to come.

Risk analysis for spatial plans

Tilburg, a town in the south of the Netherlands with around 200.000 citizens, would like to allow for the development of an industrial estate in its strategic spatial plan. Precisely how many and what kind of companies will wish to locate there is uncertain as yet, so the SEA sets out two scenarios, a high-development and a low-development scenario with a range of floor areas and company profiles (categories). A risk estimation has been carried out to see whether there are likely to be any bottlenecks in the area regarding noise nuisance, air quality, external safety, landscape and nature, and if so to what extent. Based on this type of information the strategic spatial plan can guide the development scope for the estate. As regards specific planning, the environmental impacts can be specified once more is known about the company profiles.

Dealing with uncertainties

The Port of Rotterdam has drawn up an expansion plan involving reclaiming 2,000 hectares of land from the North Sea. The EIA report for Maasvlakte 2 is an example of how to deal sensibly with uncertainties in projected impacts. Substantial uncertainties in impact predictions are only to be expected, given the size, complexity and long-term nature of the activities concerned. A proper overview of the risks has been provided by setting out worst-case scenarios with appropriate sets of measures, e.g. in the area of air quality and effects on nature. The extensive monitoring and evaluation programme provided for in the EIA report will enable additional measures to be taken if necessary to avoid or minimize effects. Agreements will ensure that these ‘fall-back’ measures are taken where necessary.

“Uncertainties can be dealt with by a set of ‘fall-back’ measures in case the effects are worse than expected “

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SEA for Water Plans: Experience and Options for the Future

Pieter Jongejans

A large number of Dutch water plans were drawn up or updated in 2008/2009 in response to the introduction of the European Water Framework Directive. For the first time this included the use of SEA procedures. The positive and negative experiences of using SEA for these plans were evaluated, enabling this tool to be even more useful when it comes to the next generation of water plans, which will need to be complete by 2015. This article sums up these experiences and provides tips for the future.

Integrated water management

Water management in the Netherlands dates back to the Middle Ages, when the water boards were set up. Climate change, rising sea levels, land subsidence and increasing pressure on space have meant that more and more attention has been paid to different ways of dealing with water since the end of the 20th century. In recent years various developments have taken place nationally and internationally that have had a major influence on Dutch water management. For example, the 1990s in particular saw several periods of flooding in the Netherlands, resulting in the revision of water safety policy. Also, the European Water Framework Directive (WFD) requires EU Member States to ameliorate and maintain the ecological quality of groundwater and surface water.

Dutch water boards (in Dutch: *waterschappen* or *hoogheemraadschappen*) are regional government bodies charged with managing the water barriers, the waterways, the water levels, water quality and sewage treatment in their region.

The water system is now being approached more as an integrated whole. Water plans at central government, provincial and water board level are based on the principle of integrated water management, focusing on safety (of flood defences), flooding, water shortages, water quality and ecology.

Water plans in the Netherlands

The Dutch Water Act requires water plans to be adopted by various tiers of government:

- The National Water Plan
- The provincial water management plans
- The water management plans of:
 - water boards for regional waters
 - central government for national waters

The WFD additionally calls for 'River Basin Management Plans' incorporating the total set of measures under national and regional water plans for each river basin (Rhine, Meuse, Scheldt and Ems).

These various plans set out short-term and long-term water policy and list specific measures. The National Water Plan and provincial water plans are considered spatial plans as regards planning aspects: in other words, the authors of these plans make choices regarding the spatial planning of the particular area (e.g. by designating sites for water storage areas). Water policy and environmental policy are thus strongly linked.

Because of the implementation of the WFD in the Netherlands, all water plans were simultaneously replaced or revised in 2008/2009 and came into force at the end of December 2009. Previous generations of water plans had been drawn up one by one, with central government policy incorporated in the plans of the provinces and water boards. Drawing up these plans simultaneously constituted a new approach, therefore, requiring the coordination and incorporation of policy to be organized differently.

SEA for water plans

The SEA procedure was adopted for various water plans for the first time in 2008/2009. An SEA is mandatory if a plan sets out a framework on activities for which environmental impact assessment is required or if there could be significant effects on Natura 2000 sites. The competent authorities can also voluntarily opt for an SEA procedure because it could provide added value for decision-making. In some cases a single SEA was drawn up for a number of plans (provincial plans and water management plans). An SEA was also drawn up for the National Water Plan, including consideration of the River Basin Management Plans.

The NCEA has reviewed a total of seven SEA reports on water plans, namely the SEA report for the National Water Plan and six SEA reports for water plans of provincial authorities and/or water boards. From this the NCEA drew a number of general conclusions:

- Many decisions had already been made prior to the SEA procedures. The water plans of the provinces and water boards were the end result of sometimes lengthy spatial planning processes involving various tiers of government and other stakeholders. The interests in these processes were weighed up and support was created for policy decisions and measures. The interests of the environment implicitly figured prominently here: to a large extent the whole purpose of the plans was to solve or prevent environmental problems (flooding, water shortages, drying-out of nature reserves, etc.). In many cases the effects of the measures on the environment were therefore found to be positive (see the example “South Holland” below).
- The SEA procedures only began after the previous step. As a result the scope for alternatives was often limited and the SEA report was used primarily as an ex post analysis. The report was essentially confined to an environmental assessment of the results of the planning processes. Because of that the way in which the interests of the environment were taken into account when deciding on measures was not made explicit (see the examples of “South Holland” and “North Brabant and Limburg”).
- Similarly in the case of the National Water Plan the SEA procedure only began once a draft plan had already been produced and a broad consensus had been reached on the policy decisions required (see the example of “National Waterplan”).
- In general the joint planning approach (cooperation in SEA procedures and simultaneous planning processes) did produce added value, at least procedurally: the joint development of measures, the taking of decisions in mutual consultation and the setting of priorities in the area processes were found particularly worthwhile.
- In most cases the SEA procedures resulted in some amendments to the final water plans, mainly in view of potential consequences for Natura 2000 sites (see the example of “Friesland”).

Water plans for South Holland

In the province of South Holland a large number of decisions had already been made before the start of the SEA procedure. The province and water boards opted to use the SEA to assess the proposed policy for positive and negative environmental impacts and to identify possible alternatives for various aspects. The alternatives provided options for elaborating or fine-tuning the policy based on environmental effects. The conclusion was that the proposed water policy rated predominantly positive as regards environmental impacts. The SEA report resulted in recommendations for the final implementation of the proposed policy.

Water plans for Friesland

In Friesland the provincial authorities and water board decided prior to the SEA procedure to continue with their policy of a fixed water level in the Frisian system of drainage/outlet pools. The Appropriate Assessment (of impacts on protected nature) – which forms part of the SEA report – showed that this fixed water level would have significant negative effects on Natura 2000 sites, especially those dependent on ‘water conditions’, whereas a ‘natural level’ would have few if any effects on those sites. To achieve the targets for the nature reserves a substantial set of measures would be needed (e.g. individual water level management for each area or intensive management). The final water plan therefore included a monitoring programme and prescribed that these and additional measures, if necessary, would be taken if negative effects were found to occur.

Evaluation and points of attention for future water plans and SEA

The planning process for regional water plans, along with the role of the SEA procedures, has been evaluated in various ways, from which both positive and negative experiences emerged that are largely in line with the NCEA's findings as described above. The experiences from the first round can and will be used in the next generation of water plans, preparatory work on which has now started. Some examples of focal points that emerged from both the NCEA's advisory reports and the evaluations are:

- If the SEA begins early on during the planning process it enables environmental information to be collected systematically and objectively. Information on environmental effects, the 'target range' and how policy decisions and alternatives influence one another makes the consequences of decisions clear: as a result, risks and opportunities are identified at an early stage and surprises later on in the process are avoided.
- Starting the SEA and obtaining advice from stakeholders early on in the planning process provides information on the level of support for the plans – or lack thereof.
- A sensitivity analysis of measures whose environmental effects are as yet unclear provides information on potential risks (e.g. the risk of significant negative consequences for Natura 2000 sites) and opportunities (e.g. combining water storage with nature reserves).
- The WFD requires water managers to take steps to meet the water quality targets (chemical and ecological). As well as information on environmental impacts, the SEA report also provides information on the target range for the WFD objectives and water conditions for the Natura 2000 targets, enabling bottlenecks to be identified along with the measures required to deal with them. Any staging or lowering of targets can thus be substantiated in the water plan.

The planning process for the NWP, along with the role of the SEA, was also evaluated, and one of the conclusions was that the SEA procedure can provide substantial added value if it is started earlier on in the process, before policy decisions have been made.

“Obtaining advice from stakeholders early on provides information on the level of support for the plans – or lack thereof.”

Water plans for North Brabant and Limburg

When drawing up the SEA report the provinces and water boards of North Brabant and Limburg came to the conclusion that many decisions had already been made and that there was little scope for alternatives. The SEA report was used to identify the risks of negative impacts, as well as opportunities for environmental benefits when putting the proposed policy into effect. As many of the measures were concerned with the interests of the environment and nature, the risks were found to be limited, occurring mainly during implementation of the measures (e.g. disturbances during excavation work, release of phosphate when raising groundwater levels and the effects of certain measures on the landscape). The approach adopted in North Brabant and Limburg resulted in an overview of focal points for further decision-making and elaboration.



National Water Plan (NWP)

The NWP sets out the main principles of national water policy for the 2009-2015 period and provides a glimpse into the future. An SEA report was drawn up to aid decision-making on the subject, setting out short-term and long-term developments that might have substantial environmental impacts. The purpose of the SEA report differs according to the time frame:

- **The short term (2010-2015):** the draft NWP had already been produced and was available for public inspection when the SEA report and the Appropriate Assessment were being drawn up. In other words, short-term decisions had in effect already been made and the SEA report served mainly as an ex post analysis. In the case of most of the short-term measures the SEA report did not justify revising any decisions in the draft NWP, as the environmental effects would be neutral or even positive, or because they were to be examined in more detail in the follow-up process. One aspect of the NWP was amended, however, as the proposed change of water level in Lake IJssel was soon found to have major consequences for the maintenance targets for Natura 2000 sites. Additional research is therefore needed on this policy.
- **The long term (up to 2100):** in the long term the NWP offered principle choices on e.g. water safety, freshwater supply and use of space in the North Sea. The SEA report gives a general indication of the environmental effects of possible directions of development. The SEA report is adequate for a strategic exploration of the options, but for specific long-term decisions it does not yet provide the required information, because of the major uncertainties, the potential consequences for Natura 2000 sites and the interconnections between policy decisions.

The Delta Programme

In view of the issue of climate change (rising sea levels and greater variation in river discharges) a special *Delta Commission* was set up in 2007 to consider the long-term protection of the Dutch coastline and hinterland. This resulted in the introduction of a Delta Act and a Delta Programme. The Programme, which can be regarded as a further elaboration of the NWP, is expected to result in five 'Delta decisions' to be laid down in the next NWP: on water safety, freshwater strategy, spatial adaptation, the Rhine-Meuse delta and water level management in the Lake IJssel region.

Central government, provinces, municipalities and water boards are working together here, with input from organized interests and industry. The aim is to protect current and future generations in the Netherlands against high water and to ensure adequate fresh water levels, taking climatic and social trends into account. The Delta Programme has a chronology of logical steps:

- Analysis of tasks (2011)
- Possible strategies (2012)
- Preferred strategies (2013)
- Delta proposals/decisions (2014)



The first step towards the new generation of water plans: better integration of water plans and SEA

Taking experience with the first NWP into account, the NCEA has been involved in the Delta Programme from an early stage, even before an SEA procedure has been started. The Delta Programme is an elaboration of the NWP for the post-2015 period (see box to the left). As a result the NCEA was able as early as in 2011 to draw attention to some specific points, such as:

- **Water safety.** The policy is based on risk management. Various strategies are possible: should an acceptable level of risk be set first, followed by a decision on the necessary measures? Or should measures be formulated leaving a ‘residual risk’? It is important to explain how risks are determined and uncertainties dealt with.
- **Freshwater strategy.** The NCEA has particularly requested that attention be paid to the ‘demand side’, as there are various ways of influencing freshwater demand. Here again, uncertainties – both on the demand side and due to climate change – can have a major influence on the strategies to be adopted.
- **Spatial adaptation.** Water safety and spatial planning are closely linked in the Netherlands. An associated focal point is that different tiers of government are responsible for different aspects (safety policy is mainly a central government concern, spatial planning that of provinces and municipalities), so proper coordination is required along with clear decision-making frameworks, especially in the case of developments in the Delta provinces.

The NCEA’s recommendations will be taken into consideration in the subsequent process. In the next phases SEA can be an important tool in deciding on the Deltaprogramme in general and on the “Delta decisions” specifically.

Conclusions

Initial experience of the SEA procedure for water plans has yielded useful information on various fronts:

- SEA provides added value for decision-making, both procedurally (coordination and collaboration between water managers, helping to build support among decision-makers and others) and substantively (basis of decisions, opportunities to optimize plans from an environmental point of view).
- When the SEA procedure was started the major decisions had already been made in consultation with stakeholders, with the result that the scope for alternatives in the SEA report, and hence its added value, was limited. Using the SEA at an earlier point in the planning process could increase its added value, by reducing the risk of negative environmental impact and creating opportunities for more environmentally friendly decisions.
- The evaluation of the planning process for the water plans and the role of the SEA has already resulted at a national level in an SEA being considered earlier on in the process: the NCEA has been involved from an early stage – even before SEA has started - in the Delta Programme, which will result in a new National Water Plan in 2015.

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The Sand Motor: Building with Nature

Johan Lembrechts, Zjev Ambagts and Evelien van Eijsbergen



The struggle with water has marked the development, contours and character of a large part of the Netherlands. By intervening constantly, the Dutch have reduced the threat from both the sea and rivers. The last ‘Views and Experiences’ discussed the search for alternatives to control flood risks in the central river area and research into the effects of these alternatives. This article focuses on the EIA for an experiment, known as the ‘Sand Motor’, in which coastal erosion is combated by using the forces of nature. The NCEA advised on the terms of reference for the EIA and reviewed the quality of the EIA report when finished.

Introduction

At many places along the Dutch coast the sand which erodes into the sea, for instance during storms, is replenished every five years. One way of doing this is to pump sand onto the beach on an ongoing basis. This promotes dune accretion and reduces the risk of flooding. Regenerating and reinforcing the dunes provides a buffer against the rise in sea level due to climate change and guarantees the safety of the coast, also in the longer term. The Sand Motor Project examines how natural processes such as ocean currents and wind can be used to step up dune accretion along the coast, thus possibly reducing the need for human intervention. If this approach proves effective it could have a beneficial effect on coastal maintenance, reducing its frequency and consequently the disturbance to life on the sea bed. The method employed would also provide more scope for nature conservation and recreation. What’s more, the project could be appropriate for all countries dealing with densely populated coastal areas that are susceptible to coastal erosion and a rising sea level.

An EIA for this experiment is mandatory because of the potential adverse effects of large-scale sand extraction and nourishments on the natural environment. By addressing these effects and suggesting alternatives, the EIA supports optimization of the set-up of the experiment. A monitoring programme following the realization of the experiment has to demonstrate its eventual effectiveness.

Aim and design of the project

The basic idea behind the Sand Motor is that a large quantity of sand is deposited in one go at a single point off the coast, rather than depositing small quantities over a period of time at various points along the coast. Waves, currents and wind are then expected to distribute the sand, allowing the coast to regenerate naturally. The resulting dune accretion may serve various purposes, namely it may guarantee safety and create nature conservation and recreation facilities, the former being paramount.

The Sand Motor principle has not yet been put into practice on a large scale, so the project has the nature of a pilot scheme. Through this pilot knowledge will be acquired of new ways of anticipating climate change, and it will provide information on coastal maintenance methods that are supported by the natural environment and beneficial to it.

The project is a joint initiative of the province of South Holland, the Directorate-General for Public Works and Water Management, various ministries and municipalities, the Delfland Water Board and the South Holland Environmental Federation.

Siting

The Delfland coast, which is situated between the longitudinal embankment at the village of Hook of Holland and the mole at the village of Scheveningen (The Hague area), has been selected as the site of the pilot (see map). This part of the coast is suitable for various reasons: it is representative for large parts of the Dutch coast; it does not present an obstacle to nearby harbours, discharges from pumping stations or to other current plans or projects; and there is a substantial demand for additional space for nature conservation and recreation along this part of the coast.

To the north of the selected site is the dune area of Westduinpark, an urban park for the municipality of The Hague. To the south lies the only sizeable artificial dune area in the Netherlands, which also provides an important recreation area for residents of the municipality of Rotterdam. In between is a very narrow row of dunes. All the dunes along the Delfland coast are protected under the Nature Conservation Act.

Content of the EIA

The morphological developments have been predicted for two types of alternatives using quantitative models. Their environmental impacts have subsequently been charted. These alternatives involve (a) depositing large quantities of sand under water, on the foreshore, and (b) piling up sand to create an offshore island or peninsula, which can be used for recreation or develop into a nature reserve. The effects of various methods of sand extraction and of extraction at various sites or combinations of sites have also been compared. The amount of sand is the same in all cases, namely 20 million cubic metres.

It was decided to compare the economic and environmental effects of the alternatives under consideration with the situation at the time of construction. Some of the effects also occur when the Delfland coast is nourished in the normal way, so the effects would not be fully apparent if they were to be compared with the effects of regular maintenance. A distinction was also made between the effects

of sand extraction and the effects of the Sand Motor and its construction. As regards sand extraction the EIA looked at the effects on:

- The coast and the sea, e.g. changes in water quality and the morphology of the sea bed
- The natural environment, e.g. the development of biodiversity and quality of habitats
- Archaeological assets
- Activities such as fishing and shipping
- Energy consumption for construction and maintenance and the associated emissions.

As regards the Sand Motor and its construction the EIA looked at:

- Safety, based on e.g. the degree of dune accretion and the amount of coastal maintenance
- The development of the natural environment, based on indicators such as biodiversity and quality of habitats
- Spatial quality, based on indicators such as landscape quality, access to the dunes and the sea and effects on archaeological assets
- Activities, such as opportunities for existing and new forms of recreation
- Economic effects, e.g. the cost of construction and maintenance, or revenue from tourism
- Opportunities for research into coastal erosion and dune formation.

Findings of the EIA report

The amount of dune accretion expected was quantified using models. The other effects were rated qualitatively on a seven-point scale. A complete overview of the findings for the alternatives considered is beyond the scope of this article. A few striking ones were:



- All the Sand Motor alternatives contribute to coastal reinforcement, albeit to different degrees and at different places. They would probably reduce the need for regular maintenance, but do not prevent it completely.
- When it comes to the natural environment, there is a complex interplay of positive and negative effects. The construction of the Sand Motor, for instance, would result in extensive disturbance to fauna and flora due to underwater noise, clouding and asphyxiation. This disturbance would occur in both the area where the sand is extracted and the area where it is deposited. On the other hand, the broad beaches and sandbanks created would provide new foraging opportunities for birdlife or resting places for seals, among other things.
- As the nature of the beach would be changed across a large area, the recreation opportunities there would also evolve. As regards recreationists, whose needs are met more and whose needs are met less would depend on such things as the nature of the land created: a peninsula with a lagoon off the coast would be attractive to swimmers, for example.
- Lastly, the study shows that the alternatives that involve creating an island or peninsula above sea level would be more expensive than those that involve a forshore nourishment: sand has to be pumped to create a piece of land, which is more costly than dropping sand from the underside of a ship sailing off the coast. On top of this, one-off nourishment is more expensive than spreading it out over a period of twenty years, which also spreads out the costs.

“More theoretical research would not reduce uncertainties.”

Independent quality review

Part of the Dutch EIA procedure is an independent quality review of the EIA report by the NCEA, which is mandatory by law when complex projects are concerned. In its advisory review the NCEA noted that the way in which the sand would be redistributed along the coast and thus influence dune accretion is subject to more and greater uncertainties than indicated in the EIA report. The NCEA took the view that the bandwidths for dune accretion are larger than predicted: in particular there is uncertainty as to the ratio between landward and seaward movement of sand and the relationship between beach width and the amount of dune accretion. More theoretical research would not reduce these uncertainties; one way to achieve this is, according to the NCEA, by setting up a robust, feasible research programme and creating suitable conditions for the implementation of this programme right from the start of the project.

The EIA procedure in brief

The EIA procedure started in January 2009 with the notification of intent, which outlined the aim and design of the project, the siting and the definition of possible alternatives. Based on this document, the public had six weeks to submit questions and views. The NCEA advised in March on the terms of reference of the EIA report, taking public submissions into account. NCEA's advice for the terms of reference, with some minor adjustment, was copied in full and approved in April 2009 by the competent authority, the Ministry of Transport and Public Works (today, the Ministry of Infrastructure and Environment). Broadly speaking, the NCEA asked attention for those aspects listed in the paragraph 'set up of the EIA'.

After completion of the study, in February 2010, the permit applications and the EIA report were made available for public inspection. At the same time the NCEA reviewed the EIA report. The NCEA took submissions of the public into account in its final advisory report, which was published in May. In September 2010 the permits and the competent authorities formal response to the submissions received were published. In November 2010 the permits were formally granted.

Result of submission: drainage facility installed to avoid negative effects

The impact on the hydrology of the dune area of depositing large quantities of sand could not be considered sufficiently in the EIA report. The hydro-morphology of the affected dune area is complex and there are some old areas of contamination. Sand nourishment could push up the groundwater level and shift the boundary between salt and fresh water, which could in turn affect the vegetation and the availability of drinking water extracted by the water company from the dune area. The effects of this may be intensified by the previous reinforcement of the Delfland coast. As a result of a submission by the water company additional research has been carried out and a drainage facility installed so as to avoid possible negative effects on groundwater level and flow. The need to take care of these potential effects can be regarded as a major lesson from the pilot.

The EIA report, however, paid only limited attention to the preliminary work for a research programme. The NCEA stressed that, if the targets are to be met, the feasibility of the research programme must be assured. The NCEA also recommended examining a number of potential negative effects on the natural environment of sand nourishments and extraction and seeking ways of mitigating these effects if necessary. Shellfish banks that provide food for some sea birds should be identified more effectively, for instance, so as to have better control over extraction and nourishments. The presence

and behaviour of marine mammals and the effect of underwater noise on them should also be carefully recorded at the start of the project. The lack of knowledge on both aspects could then be filled in based on this information.

Implementation and monitoring

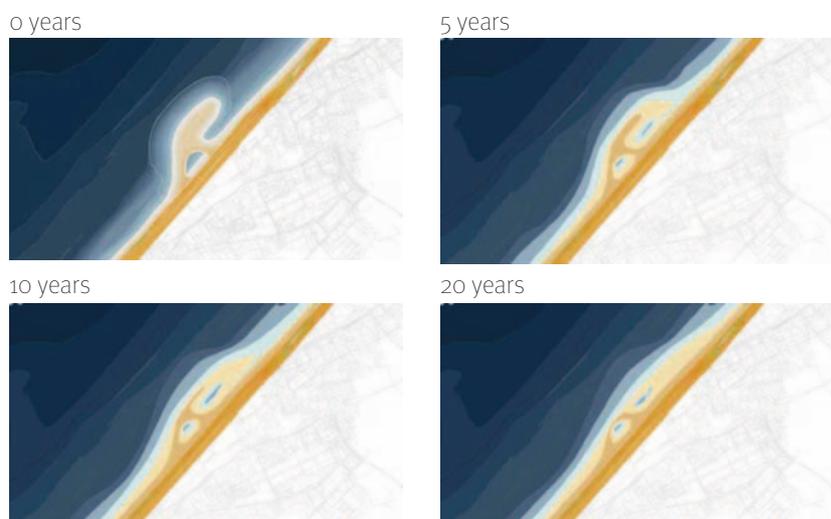
The NCEA's advisory review and the submissions by the public have been incorporated in the implementation of the project and the design of the monitoring programme. Public submissions have also resulted in modifications to the

design of the project so as to avoid potential negative effects, such as the accumulation of silt deposits at the seaside resort of Kijkduin.

The Ministry of Transport, Public Works and Water Management and the province of South Holland decided in 2010 to create a peninsula with an area of 128 hectares. Although more expensive than other alternatives, this option has been selected because it will create an attractive temporary nature reserve and recreation area (see the predicted morphological developments of the peninsula in the figures below). It furthermore rated higher in the EIA report than some other alternatives in terms of dune accretion, safety and maintenance and opportunities for research into coastal erosion and accretion.

The peninsula was created between March and November 2011. The sand was extracted from an area approximately 10 kilometres from the coast. This one-off measure is expected to substantially reduce the amount of coastal maintenance required along the Delfland coast for at least the next twenty years. A strong monitoring program is of

Figure: Predicted morphological developments of the Sand Motor as an offshore peninsula.



crucial importance because of the pilot character of the project and the many uncertainties around, for example, the redistribution of sand. The monitoring of sand extraction takes place by joining forces with the national Monitoring and Evaluation Programme for sand nourishment, and it also takes the NCEA's recommendations on shellfish banks and seals into account. Meanwhile the research and monitoring programme to observe the effects of the Sand Motor has been developed and implemented, based on the EIA report and the NCEA's recommendations on the subject. The programme focuses mainly on whether this type of coastal maintenance is effective and what effects this intervention has on the environment. The programme is being carried out under the responsibility of the Directorate-General for Public Works and Water Management in close collaboration with the province of South Holland. It is funded in part by the European Regional Development Fund.

The depth and height of the area immediately surrounding the Sand Motor are measured at frequent intervals so as to monitor the movement of the sand. This is done using equipment mounted on jet skis and four-wheel-drive vehicles to measure the profile at various points from the toe of the dune up to a few hundred metres from the shore. In addition, the depth is measured twice a year by a ship, from Scheveningen to Hook of Holland, and an aircraft is used to measure the height of the dune area and the beach. Currents, waves and the development of the coastline are continuously monitored using monitoring buoys, a radar system and a video system in order to understand the movement of the sand. Flora and fauna are regularly sampled or counted under water, just outside the artificial peninsula, on the beach, in the sheltered area between the peninsula and the beach, and in the dune area behind the beach. The enormous change in the shoreline in front of the dune area is causing the amounts of salt and sand blowing into the dunes to change as well, thus influencing the development of the vegetation. These amounts are monitored at various points in the dunes using sand and salt collectors.

If undesirable developments do occur, intervention can be considered, e.g. a swimming ban if dangerous currents develop locally, depositing additional sand at places where there is excessive erosion or protecting vulnerable developing vegetation if the pressure from recreation is too great.

The development of the Sand Motor over the first five years is to be evaluated in 2016, focusing particularly on the effects and the aims of the Sand Motor in the long term. In the meantime scientists will be looking at the small-scale effects and processes.

In conclusion

The Sand Motor is now in place. The wind and waves are doing their work in spectacular fashion. Birdlife is finding its way to the area on a massive scale and pioneer plants, including one specimen of the rare Frosted Orache (*Atriplex laciniata*), have already appeared in summer 2011. As regards recreation, the Sand Motor has become a hot spot for kite and wind surfers. It may well be that nature conservation and recreation are benefiting more than was assumed at the time of the environmental impact assessment: monitoring and evaluation will show if this is the case. The EIA was mainly helpful in pinpointing the aspects dominantly affecting nature and the uncertainties in the process of dune accretion and thus in the outcome of the experiment. Those are the aspects which have to and will be looked at in the monitoring programme.

“A strong monitoring program is of crucial importance because of the pilot character of the project.”

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Environmental Assessment Across Borders

Gijs Hoevenaars

The effects of plans and projects do not stop at national borders. That is why there are European and international rules on environmental assessment (EA) that guarantee its operation across borders. This article describes how these rules have been adapted to the Dutch situation and illustrates practice with examples of environmental assessment where the Netherlands has worked together with its neighbours Germany and Belgium.

Many of the activities in the Netherlands, particularly in border regions, can have environmental effects that extend to other countries and vice versa. Projects themselves too can cross borders: waterways, railway lines and motorways often connect a country with the outside world, and many nature reserves and industrial estates are not confined by border markers. The fact that projects cross borders or that projects have transboundary effects play an important role in the screening and scoping stage of an environmental assessment procedure, as further illustrated below. It is because of these various international aspects that European and international legislation has been passed and procedural agreements on environmental assessment (EA) have been made between countries.

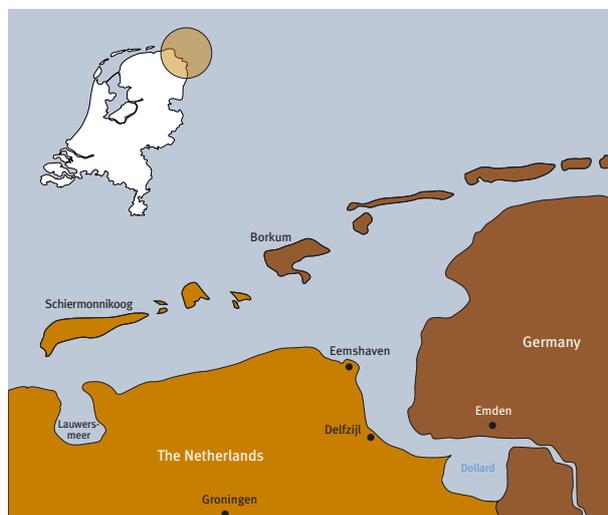
Screening and Scoping

The international aspects of an activity play a role, in the first place, in the question whether an EA is required. In the case of projects that actually cross the border (e.g. a road or an industrial estate) it is the length and location of the entire route or the total size of the estate that determines whether an EA needs to be carried out. The presence of sensitive areas on either side of the border should be equally included. In the case of projects that are sited entirely on Dutch soil, the possible cross-border effects and their nature are factors taken into account in deciding whether an EA is necessary. In other words, the entire plan or project has to be looked at at the screening stage, including the part situated in the neighbouring country.

Once it has been decided to carry out an EA, the question is how far it should extend. Here too, at the scoping stage, the range of an EA cannot be cut off at the border; it must also identify any cross-border effects. This was, for example, not done properly in the case of the Eemshaven coal-fired power plant. The Dutch administrative court ruled that the power plant's effects on natural assets of some of the German Wadden Islands had been insufficiently identified and rescinded the permit. Another example is the effects on Belgian Natura 2000 sites as a result of the construction of a new road (N69) on Dutch soil. Both examples are further outlined below.

The Eemshaven coal-fired power plant - a project with cross-border effects

Two permits granted in 2008 for the construction of a coal-fired power plant at Eemshaven, the largest seaport in the north of the Netherlands, were recently rescinded. The Dutch court ruled, in line with an advisory report previously produced by the NCEA, that insufficient research had been done into the effects of the increase in nitrogen from the power plant for which the permit had been granted on the German Wadden Islands (and Natura 2000 sites) of Borkum, Memmert, Juist, Norderney and Baltrum. Extensive research had been done into the effects on the Dutch Wadden Islands, but a glance at the map shows that some of the German areas would be closer to the projected power plant than the Dutch ones, so the cross-border effects should have been identified more clearly.



“All procedures should proceed under the assumption that there is no border.”

European legislation and international agreements

The European legislation knows two directives: Directive 2011/92/EU (of 13 December 2011) on the assessment of the effects of certain public and private projects on the environment, and the Directive 2001/42/EC (of 27 June 2001) on the assessment of the effects of certain plans and programmes on the environment. All European Union member states, including the Netherlands, have to comply with these directives.

The international legislation is determined by the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), signed in 1991, and the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kiev Protocol), signed in 2003.

Once it is clear that a particular project or plan has transboundary effects, it is subject to additional procedural requirements pursuant to the UN Espoo Convention and the Kiev Protocol. The aim of these international agreements is to ensure that in the case of activities and plans that could have significant adverse cross-border environmental effects:

- An environmental assessment is carried out.
- The country where the activity or plan takes place informs the country that could be affected and the population concerned and involves them in the EA prior to making a decision on the activity.

Under the UN Espoo Convention and the Kiev Protocol all procedures should take place under the assumption that there is no border, which means that a public announcement is made and that documents are made available for public inspection in the potentially affected country. Government bodies and the public on both sides of the border must be allowed to participate in the procedures. There is also an obligation to consult with the affected country on the environmental assessment report. This process of informing and involving consequently takes place through the exchange of information and consultation.

The spatial plan for the N69 area development – a project with cross-border effects

The Dutch province of North Brabant would like to solve the accessibility and quality of life problems along the N69 provincial road. At the same time they would like to improve the quality of the landscape, natural environment, water, living and working conditions and recreation facilities, by revising the provincial spatial plan for the N69 Border Corridor. The problems on the N69 are caused mainly by local traffic, but also to some extent by road freight from Belgium passing through. Modifications to the N69 are expected to also affect traffic in Belgium. The NCEA reviewed this EIA report, noting that the impact description there did not take account of possible cross-border effects due to changes in transport structures. In order to provide additional information to supplement the EIA report the province carried out traffic analyses going beyond the Dutch transport structure, which showed that the cross-border effects on traffic would be small, but substantial environmental effects on protected Belgian natural assets could not be ruled out. This information was vital to the province, eventually enabling it to select a preferred option after proper consideration.

European and international legislation on EA has been adapted to the Dutch situation and incorporated in the Environmental Management Act, which, for example, includes provisions on announcements in and the sending of documents to the neighbouring country. It also lays down that the cost of translations is to be borne by the proponent.

The Netherlands and its neighbouring countries

Although all European Union member states have incorporated the European legislation and the international agreements into their national policies, the EA procedures in the Netherlands and its neighbours Germany and Belgium differ. Despite of the differences, these procedures can well be aligned to allow joint operation. Below, the differences in the legislation and the agreements for cooperation between The Netherlands and its neighbouring countries are outlined.

Differences

In Germany, a federal republic of 16 states, the EA procedures differ from one state to another. A major difference between the German and Dutch procedures is that the EA procedure in Germany is fully integrated in the parent procedure. Additionally, the authority concerned is responsible for assessing the quality of the EA report. In the Netherlands, the EA and the parent procedure can start independently. The Netherlands Commission for Environmental Assessment (NCEA) may advise the competent authority (mandatory or voluntary) on the quality of an EA report.

In Belgium, the procedures differ between the regions Flanders and Wallonia. This article focuses on the Flemish legislation, as the Netherlands mainly borders to this region. A major difference between Dutch and the Flemish legislation is that the Belgian authority, the *Dienst mer* plays a more decisive and less advisory role at an earlier stage in the procedures than the NCEA. First of all, the *Dienst mer* has to fully approve the announcement of the proposal before it is published. This is not strictly regulated in the Netherlands; in principle it is the duty of the competent authority. This is followed in Flanders by a public announcement, just as in the Netherlands. The *Dienst mer* draws up terms of reference based on public submissions and submissions by the authorities that need to be consulted, using Terms of Reference guidelines. In the Netherlands the competent authority lays down the terms of reference and the NCEA produces an advisory report. In other words, in Flanders the *Dienst mer* is responsible for the quality assessment of the EA report and takes over this duty from the competent authority.

In Flanders only certified researchers are allowed to draw up the EA report; there are no rules on this in the Netherlands. Once the report is complete the *Dienst mer* has to approve it, taking into account the submissions by the authorities that need to be consulted in response to a draft version of the report. These authorities include other government bodies and ministerial departments concerned. In the Netherlands the competent authority itself decides whether the quality of the EA report is sufficient, advised by the NCEA, which submits an advisory review to the authority. The NCEA can take the public submissions on the EA report into account in its review if the authority so requests. As in the Netherlands, time limits are laid down in Flanders for the various steps in the procedure.

The *Dienst mer* is the Flemish counterpart of the NCEA. The NCEA is an independent organization; the *Dienst mer* is part of the Environment, Nature and Energy Department of the Belgian Government.

“Investment in contact on both sides of the border at an early stage ensures that expectations and options can be properly aligned”

Bilateral agreements and coordination

With regard to the coordination of specific plans and projects, the Netherlands has various bilateral agreements with Flanders and Germany. When an activity is expected to have cross-border environmental effects, the authorities in the country deciding on the proposed activity are required to contact the designated authorities in the country that could be affected (the ‘point of contact’). The authorities that need to be informed are identified in joint consultation between the point of contact in the potentially affected country and the competent authority in the country where the proposed activity is to take place. In the Netherlands, the provinces are generally the point of contact. The provinces inform the Minister of Infrastructure and Environment. The Minister only gets involved in a specific procedure if the provinces themselves are unable to resolve matters.

In cases where projects are implemented across national borders: for example the deepening of the Scheldt estuary between The Netherlands and Belgium and the high voltage power line between The Netherlands and Germany (both examples are illustrated hereafter), the project is launched jointly with the competent authority of the other country. This has considerable advantages. The bilateral agreements also set out the arrangements on these matters with the neighbouring countries, thus guaranteeing that both countries’ statutory requirements are complied with.

The Scheldt estuary – Dutch-Flemish collaboration

The Netherlands and Flanders are working together in the Scheldt estuary to improve flood protection, increase access to the ports (especially Antwerp) and preserve and strengthen its unique estuarine nature. The collaboration has resulted in various cross-border SEA and EIA procedures, which have been tackled jointly taking into account the EA legislation in each of the two countries. A Flemish-Dutch expert working group has been set up, for instance, to advise jointly on terms of reference and the quality and comprehensiveness of the SEA report.

As the Belgian *Dienst mer* has a more decisive role, compared with the NCEA’s advisory role, it was decided to take plenty of time at the terms of reference stage to discuss the final draft of the terms of reference. Thus preventing the Dutch competent authority to have to amend the terms of reference after the event. At the review stage it was decided to have the working group carry out a preliminary review of the SEA report. If the joint working group did not review the report until the *Dienst mer* had already approved it, this would have limited the scope for requesting additional information. In this way the *Dienst mer* was able to make use of the findings of the preliminary review, thus reducing the risk of the working group still finding fundamental shortcomings in the final review.

None of this detracts from the fact that each country naturally has its own responsibilities: the Dutch authorities retain the right, for instance, to request additional information to supplement the SEA report if it considers this desirable, taking public submissions and the NCEA’s advisory report into account.

The high voltage power line between the Netherlands and Germany – a cross-border project

The Netherlands and Germany wanted to build a high voltage power line between Doetinchem in the Netherlands and Wesel in Germany. The line had to pass through both countries and various end-to-end routes were possible. The route that rated best from an environmental point of view for the Netherlands was not necessarily the best route for Germany. The situation on both sides of the border needed to be considered when deciding on the route. On top of this, the two countries have different statutory procedures for decision-making on the high voltage power line. The EA procedures and the nature and extent of the studies required for them are similar but not the same: in Germany, for example, a procedure can only consider one alternative route, whereas in the Netherlands alternatives routes must be considered.

The challenge was to find a route for the power line that suited both countries and to organize the procedures in such a way that the statutory procedures of both countries could be complied with. A joint baseline study of effects was therefore first carried out to identify the potential routes (in broad terms) between Doetinchem and Wesel. A landscape analysis was carried out and joint criteria were formulated for the potential routes, and their environmental impacts were assessed in general terms. A single route was then selected based on various criteria (e.g. number of new traverses, points where the line traverses Natura 2000 sites, number of homes affected), irrespective of the line's position vis-à-vis the border. The point where this potential route crossed the border was noted and taken as the spatial starting point for the detailed route and statutory procedures in both countries. This enabled the two countries to develop the route separately, comply with the requirements of both EA procedures and come up with a joint route for the Doetinchem-Wesel power line.

Lessons learnt

EA is not confined by borders. Our conclusions from our experience over the past few years are as follows:

- Effects do not stop at the border. Insufficient attention to this will inevitably result in the project being delayed (cf. the examples of the coal-fired power plant and the N69).
- Investment in contact between the authorities on both sides of the border at an early stage ensures that expectations and options can be properly aligned (cf. the example of the Scheldt estuary).
- Experience of the Scheldt estuary also shows that it is useful for experts from the countries concerned to work together on cross-border projects: this is the shortest way to achieving a successful EA process.
- Differences in requirements concerning procedure and content can be bridged by smartly telescoping these requirements, as was done in the case of the high voltage power line between the Netherlands and Germany, for instance.

In other words, transboundary EIA requires investments in time and people, but does lead to higher quality and swifter decision making.

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Lessons learnt on capacity development for environmental assessment

Rob Verheem



The NCEA is known to many as an independent quality evaluator of EIAs and SEAs. Not so well known is that regularly the NCEA itself is independently evaluated. In 2011, the Policy and Operations Evaluation Department (IOB) of the Netherlands Ministry of Foreign Affairs published the findings of an evaluation of the capacity development efforts in developing countries of the NCEA and six other Dutch NGOs. By doing so, the IOB hoped to identify factors that determine effectiveness. This article summarizes some of these factors, focusing on the lessons learnt on capacity development of EIA and SEA systems.

IOB's evaluation on the capacity development efforts of seven Dutch organisations was intended to deal with a significant gap in knowledge that the IOB had observed, namely the absence of international consensus on what constitutes effective capacity development. Capacity development is becoming increasingly important in Dutch development cooperation. Thus, it is becoming increasingly important to evaluate the effectiveness of this work. However, the IOB could not find a broadly accepted theoretical framework against which the results of Dutch capacity development effort could be analysed. By evaluating practice experience, the IOB hoped to identify the factors that determine effectiveness.

Methodology of the evaluation

The evaluation of the seven (large and small) Dutch organizations began in 2008 and was completed three years later. Two or three programmes of each organization were selected for an in-depth evaluation of their outputs and outcomes. For the NCEA, these were programmes in Georgia, Mozambique and Guatemala that we had run between roughly 2000 and 2008. Two shorter desk studies were also conducted on our programmes in Burundi (2005–2010) and Ghana (1998–2008). Most programmes comprised a mix of training, awareness raising, guidance material and advice on concrete EIAs and SEAs (see figure 1 for more details of our result chain).

The IOB selected the 'five capabilities model' (hereafter the '5C' model; see figure 2) as the methodological framework for the evaluation. This framework was developed by the European Center for Development Policy Management and was regarded by the IOB as a possible candidate for an overall theoretical framework for capacity development. Interestingly, this meant that the 5C-model was used as both the start and the end point of the evaluation. At the start, the five capabilities were translated into indicators against which the results of programmes would be evaluated, while at the end the lessons learnt in the evaluation were used to establish whether the model is actually a good framework.

“Environmental assessments are multi-stakeholder processes. Stakeholders try to influence both the assessment and the each other.”

What has been learned?

After three years of hard work and fierce discussions, we now have:

- A more explicit intervention theory and strategy to design its work.
- A better framework (the 5C model) for monitoring, evaluating and learning from its capacity development efforts.
- A better understanding of what has and what has not been effective in its work.
- New priorities for its future work, in particular the enabling conditions for learning in the countries it works with.

These learning points are further detailed below.

A more explicit intervention strategy

The IOB’s evaluation compelled us to make its intervention strategy explicit: why do we do what we do, and why do we think that it is effective? The key to NCEA’s intervention strategy is to focus on strengthening EIA and SEA systems rather than singularly focussing on one individual organization. This systems approach is judged by the IOB as important for effective capacity development. Or, in the words of the IOB, it is ‘*a promising approach to capacity development at the institutional level*’. One of the key arguments for this is that an EIA or SEA is not carried out by individual organizations in isolation. Environmental assessments are multi-stakeholder processes, in which each stakeholder tries to influence both the assessment and the other stakeholders.

Figure 1: The NCEA result chain – from input to impact

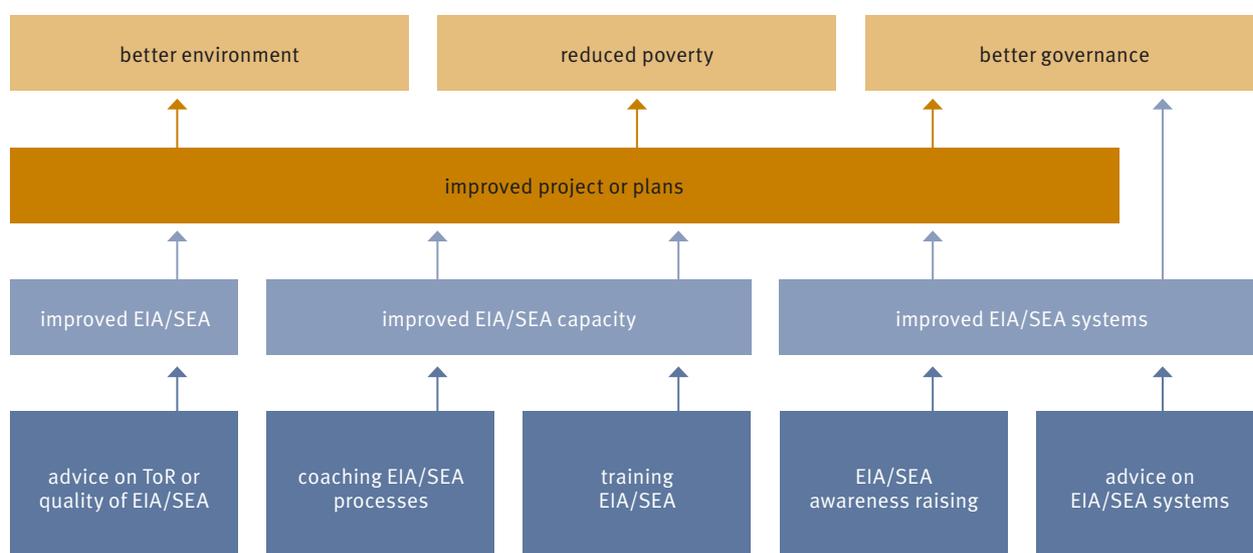
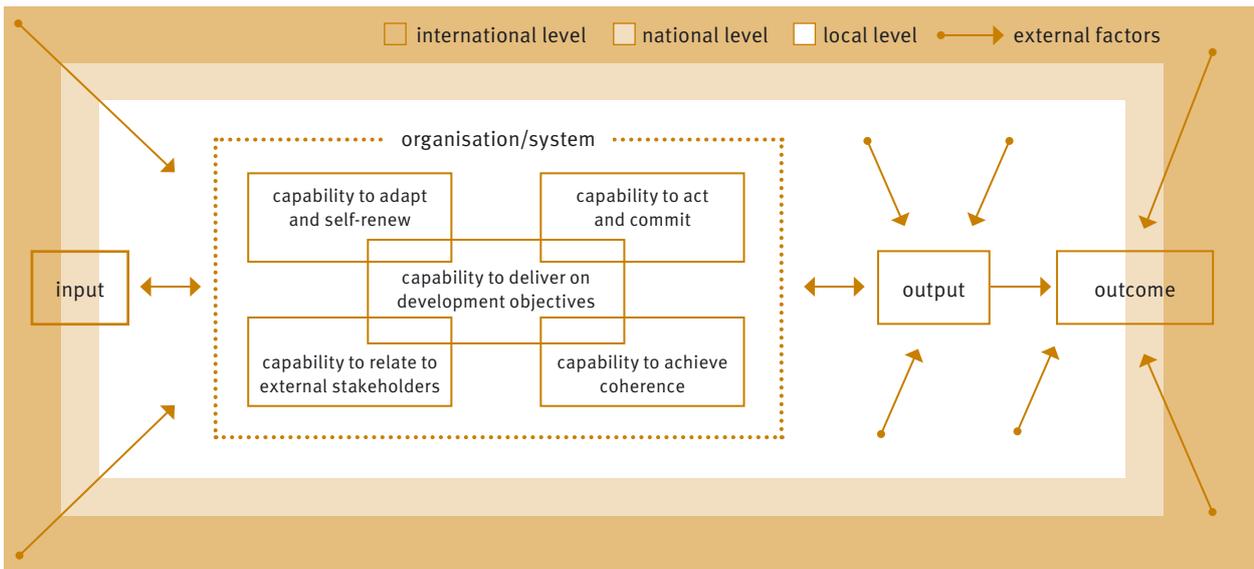


Figure 2: The 5C model



A diagram of this would look somewhat like figure 3. In order for an EIA or SEA to be effective, each of these stakeholders – and particularly those that strive for the sustainable development of their country or sector – should have the capacity to play their respective roles in the process. When deciding on the focus of capacity development efforts, it is important to base this on a system analysis. Where are the most important flaws? Which stakeholders are most important from a systems perspective? But also: an important part of capacity development should always be to make stakeholders aware of their role in the EIA system and how to function within it.

NCEA programmes typically aim to strengthen the capacity of environmental assessment systems, rather than of individuals or individual organizations. To achieve this, a range of services are offered within a programme. Figure 1 presents an overview that links the services with intended output, outcome and impact. The most common activities are displayed at the bottom. The middle rows show the outputs and outcomes, while the top row shows the final impact to which the activities should contribute. As our efforts are tailor-made, the activities in a country programme depend on the specific demand of partners, on the context of the countries involved and on the key flaws in the systems.



The NCEA article on “Success factors for SEA capacity development: the Macedonia case” shows how this systems approach is applied in a concrete co-operation project.

A framework for learning and monitoring

One of the objectives of the evaluation was to establish whether the 5C model would be an appropriate framework for monitoring and evaluating the effectiveness of capacity development. Based on the evaluations of all seven organizations, the IOB has concluded that it is. This has led the Dutch government to make the application of this model mandatory in reporting the results of the capacity development efforts that it subsidizes. The 5C model is also included in the new contract we have with the Ministry of Foreign Affairs for support to Embassies, governments and NGOs in the period 2012–2016. Although it is clear that the model offers advantages over our existing monitoring framework, it is also clear that the model has been developed towards organizational capacity development rather than system capacity development. It needs translation in order to be effective in NCEA’s work.

The effectiveness of NCEA’s work

The IOB’s evaluation concluded that NCEA programmes have enhanced the capabilities of the partner countries’ environmental systems. Our train-the-trainers approach, and the country experts’ appreciation and use of the technical guidance provided, were specifically mentioned. Overall, NCEA’s programmes were judged as being well aligned with the countries’ own policies and flexible enough to be adjusted in the case of sudden government policy changes. However, some aspects of our work were also criticized. An important criticism is that in some cases, the high turnover of trained staff (caused by, for example, a lack of career opportunities or decent salaries) threatens the sustainability of the enhanced capacity. The NCEA recognizes that this is an important issue and therefore intends to start paying more attention to financial mechanisms within EIA and SEA systems (see following paragraph).

Figure 3: Example of the circle of involved players in the Indonesian program for Pollution control, Evaluation and Rating (PROPER II)

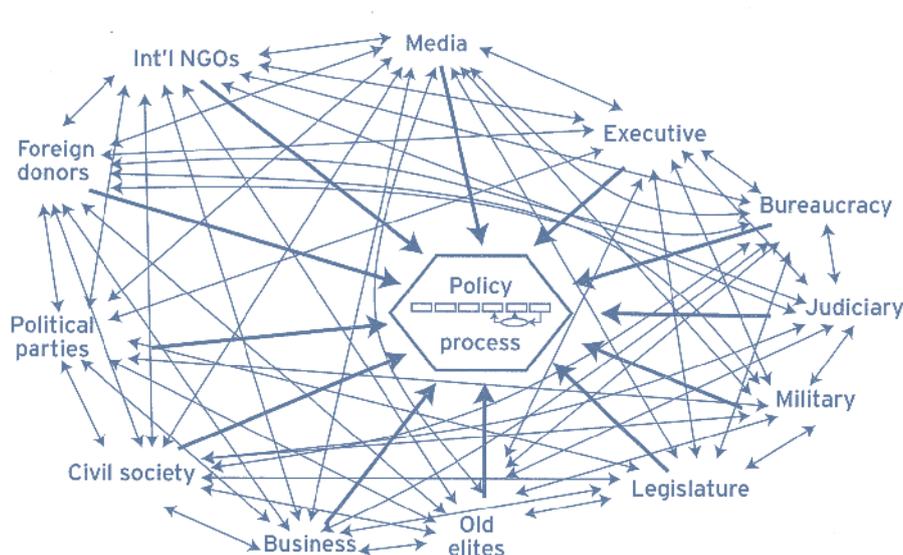


Figure 3 is an example of key actors and their relations in the case of the Indonesian Program for Pollution control, Evaluation and Rating (PROPER II).

Source: Blair, H. 2008. Building and Reinforcing Social Accountability for Improved Environmental Governance. In: Strategic Environmental Assessment for Policies. An Instrument for Good Governance. Eds. Ahmed, K. and Sánchez-Triana, E. 2008. The World Bank. Washington, DC.

Generic conclusions on effective capacity development

- **Apply ‘systems thinking’ in capacity development**, rather than focus on individual stakeholders. Focusing on the capacity strengthening of ‘associations of stakeholders’ collaborating in, for example, value chains or EIA systems increases effectiveness.
- **First formulate the desired outcome, then plan input accordingly.** The evaluation led the IOB to conclude that this is often not the case in current practice. This may lead to ineffectiveness.
- **Help Southern organizations to become learning organizations.** The IOB has concluded that capacity development is always an ‘endogenous’ process, happening from within. The best an ‘outside’ partner can do is to help partners to learn.
- **Gather systematic data on output and outcome.** The evaluation revealed that these data are very hard to find, or do not exist because data are often not systematically gathered in the countries.
- **Southern organizations have ownership.** Increasing pressure on donors to justify in their home countries the importance of what they are doing, should not lead to a situation in which the donor’s objectives become more important than those of the countries in which they work.

“Effective capacity development should help partners to become learning organizations.”

Another criticism is that the NCEA focuses on stakeholders at the national level, and does not pay enough attention to capacity at the local level or to the capacities of small-scale investors. This issue is more difficult to address. Although we agree in principle with the criticism, the sheer number of enterprises and stakeholders at the local level requires capacity development programmes of a size that is beyond our capacity.

Enabling conditions for learning

A key finding of the IOB evaluation is that effective capacity development should help partners to become learning organizations. There are a number of enabling conditions for this learning, of which two stand out: sufficient institutional memory, and continuity in trained and skilled staff. We have therefore made these two objectives priorities in our future work. This includes support in building databases and libraries, access to these in the form of websites, and the earlier mentioned integration of financial mechanisms (e.g. legal dues) into the EIA and SEA regulation.

Finally: generic conclusions on capacity development

The final conclusions of the IOB do not focus on specific organizations, because the aim was to draw generic conclusions that apply to all capacity development. The generic conclusions are summarized in the box above – although the summary does some injustice to the many worthwhile lessons and conclusions drawn in the evaluation. These conclusions were the starting points for the design of the NCEA’s recently awarded 5-year programme 2012–16.

The full reports of IOB’s evaluation on the capacity development efforts of seven Dutch organizations can be found at: <http://www.minbuza.nl/producten-endiensten/evaluatie/afgerondeonderzoeken/2011/iob-evaluation-of-the-dutch-support-to-capacity-development-facilitating-resourcefulness.html>

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Success Factors for SEA Capacity Development: the Macedonia Case

Bobbi Schijf

EU Member States work with the requirements for strategic environmental assessment (SEA) laid down in the SEA Directive 2001/42/EC. Countries that aspire to become an EU member, such as Macedonia, are in the process of implementing European legislation. The Netherlands has a long track record in SEA. Sharing the Dutch experiences with Macedonian colleagues supports them in bringing their SEA system into line with the European standards. This article describes the NCEA's approach to this kind of peer-to-peer capacity development and identifies the key factors for success.

In 2009, the Macedonian Ministry for Environment and Physical Planning (MoEPP) completed the regulatory framework for SEA. The number of SEAs started to shoot up rapidly, but the MoEPP was not satisfied with the quality of the SEA reports that were submitted for review. These reports demonstrated a widespread lack of understanding of the basic principles and purpose of SEA. It was not applied as a tool to bring the environmental consequences of strategic decisions into view, or to identify and explore alternative options and measures. Instead, most planning authorities seemed to approach SEA as a final administrative requirement. Many SEAs were initiated when the draft plan was already close to being finalized, and the SEA's influence would be limited at best. From the questions coming in, the ministry also noted that some procedural aspects of SEA were unclear or inefficient. The MoEPP decided that both the regulatory basis for SEA and the level of practice needed to be improved over the coming few years. It requested a cooperation project with the Netherlands to support this effort.

“The number of SEAs started to shoot up rapidly, but the Ministry was not satisfied with their quality.”

In the Netherlands, SEA became a requirement in 1987, in conjunction with the introduction of EIA. An estimated total of 330 SEAs had been undertaken by the end of 2011. Practice currently stands at approximately 30–50 SEAs per year. This gives the Netherlands a head start in implementing SEA, compared to Macedonia. The two countries have good relations, and the Netherlands Ministry for Infrastructure and Environment had funds available for a cooperation project. The Netherlands Commission for Environmental Assessment (NCEA) was asked to undertake this project, because it has a comprehensive overview of Dutch SEA experience and its mandate in SEA in the Netherlands overlaps with some of the Macedonian ministry's tasks in SEA. Both organizations review SEA quality and give guidance on the application of SEAs (see box Ensuring the quality of SEA).

The NCEA and the MoEPP agreed to work together on improving SEA regulation, strengthening the capacity of the ministry's staff involved in SEA and raising awareness amongst other actors with roles in SEA. The cooperation took the form of a government-to-government project (see box) and ran for just over two years. In this article, we set out the capacity development approach taken in this project, describe the results achieved and identify success factors.

Ensuring the quality of SEA

In the Netherlands, all SEAs are reviewed by the Netherlands Commission for Environmental Assessment (NCEA). This commission is a government-subsidized, independent expert body that checks whether the SEA report is accurate and adequate for decision-making. Although review by the commission is a regulatory requirement, the commission can also advise on a voluntary basis during other stages in the SEA process, specifically during scoping. The NCEA is also tasked with a knowledge centre function for SEA practice. It provides interested parties with information on the SEA procedures, case examples and good practice.

This idea is confirmed by a recent evaluation of the Dutch government support capacity development. See the NCEA article on the lessons learned on capacity development for environmental assessment

The NCEA's capacity development approach

Keeping the whole SEA system in view

The NCEA has now been supporting the development of SEA capacity in various countries for over a decade. In that time, the ideas on what constitutes effective capacity development have evolved. It is becoming increasingly clear that capacity development should tackle the whole SEA system, that is, not only the regulation for SEA, but also the institutional, organizational and human capacity needed for effective SEA, both within government and in society. A systems approach to capacity development considers the roles that need to be allocated in an SEA system, and the range of actors that should be involved. The NCEA looks at the capacities that each actor group needs in order to fulfil its role, and aims to support capacity development where there are weaknesses. Of course, it is rarely possible to take on all the capacity needs within a given SEA system simultaneously. Choices have to be made depending on the scale of the cooperation and who the willing partners for cooperation are. In this case, the government-to-government nature of the project determined at the very outset that the project would predominantly focus on the capacities of the MoEPP.

In the early stages of the project, the Macedonian and Dutch counterparts jointly analysed the SEA system from two angles. First, they identified the various roles that need to be allocated within an effective Macedonian SEA system. For example, all SEA systems require a steady influx of young SEA professionals. Thus, there must be training opportunities for people who are interested in this field. The question was, who should be offering such training, and how can it be ensured that it is structurally available? The ministry counterparts decided that, in Macedonia, this role is best performed by universities and the training institute for government staff. Another important role is that of a high-level champion of SEA within the administrative or political system. Here, the SEA staff of the ministry thought that the Council for Sustainable Development could play a part. The ministry staff concluded that they themselves should be responsible for advising on both the SEA procedures and on practice. While certified SEA consultants (see figure) could advise in specific cases, the ministry should have a help-desk function within the Macedonian SEA system. In this way, the analysis helped the ministry to determine which roles it should take on and how it should organize itself to effectively embody these roles.

Government-to-government cooperation

Under the Dutch government's government-to-government programme (G2G), Dutch agencies with a public function are teamed up with corresponding agencies in eligible countries. The aim is to foster bilateral relations and to contribute to sustainable economic development in the receiving countries. Cooperation projects in the field of the environment are usually funded by the Netherlands Ministry of Infrastructure and Environment. Agency NL administers the programme and oversees the cooperation projects.

In this case, the project was initiated by the MoEPP. The NCEA was subsequently asked by Agency NL to draw up a project plan together with the MoEPP. The budget provided by the Netherlands Ministry of Infrastructure and Environment was almost EUR 300,000. The project ran from January 2010 until February 2012.

Figure: Outcome of a work session at the MoEPP on SEA roles

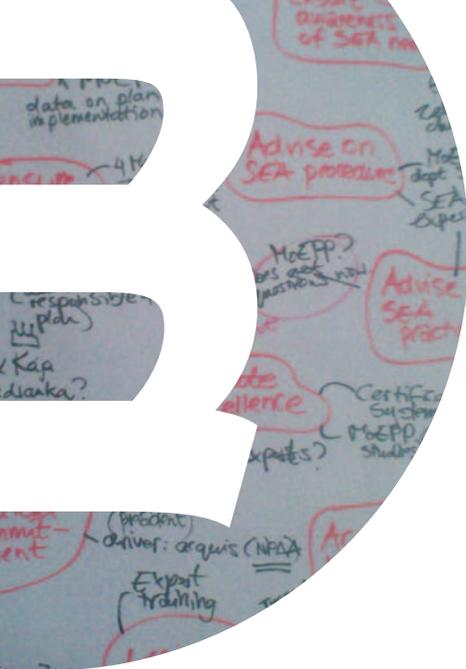


Second, the Macedonian and Dutch counterparts looked closely at the SEA procedure as prescribed by the legislation. Here, the questions were: who is involved in which step? What are their tasks, and how are they prepared to carry out these tasks? One of the insights that came from this exercise is the importance of the planning authorities themselves. These authorities need to initiate the SEA procedure when there is sufficient information for screening, but before the plan is fully developed. They are also responsible for organizing public participation in SEA, and need to combine this with the participation required for the plan itself. To be able to integrate SEA into planning, these authorities must have a good understanding of the SEA process. This applies especially to municipalities, as the bulk of planning procedures in Macedonia take place at the local level. At the same time, the ministry noted that many municipalities were struggling to make sense of SEA. To address this priority, a number of cooperation activities were designed to specifically target municipalities.

Learning by doing

The systems perspective is one of the characteristics of the NCEA's capacity approach. Another is learning by doing. The Macedonian and Dutch counterparts jointly selected two planning processes to which SEA would be applied. Both plans were in their early stages and could serve as the testing ground for any new guidance and working procedures developed in the course of the cooperation. The cases would also provide the ministry staff with a first-hand SEA experience. The selected planning agencies had high ambitions for their SEA, and were willing to subject their work to some interference from the ministry and the NCEA.

The first case was the SEA for the Lake Prespa watershed management plan. This SEA did not lack data or expertise: the challenge was to organize the data into environmental priorities and policy options, and to arrange a structured debate with the



In a separate NCEA article the details of the participation approach developed in the Skopje case are described. See the article titled: [Public participation in EIAs and SEAs: lessons learnt in the Netherlands and their application abroad](#)

stakeholders. The stakeholders, such as local farmers, were going to be affected by the new plan, and their buy-in was needed for management measures to work. To support the Prespa SEA team, and demonstrate the value of guidance, the NCEA prepared draft guidance on SEA for water management planning. The guidance provides practitioners with instructions and examples as they are guided through the SEA stages of setting the context, scoping and assessment, and deals specifically with participation. The guidance helped the Prespa SEA team link the baseline analysis to the presentation of planning options. When the first version of the Prespa SEA report was ready, the NCEA and the ministry's SEA review team looked at the quality together. This was a substantial and technical SEA, which could have easily overwhelmed the ministry's staff. The NCEA assisted in choosing the right level of detail for the review, and developed an SEA review protocol for the ministry based on this experience.

The second case – an SEA for the Skopje City Master Plan – also provided opportunities for learning by doing. In this case, the discussions concentrated on how best to integrate the SEA requirements into the planning procedure, which is quite rigidly structured. The key factor for the Skopje City Master Plan SEA turned out to be the timing of the involvement of the certified SEA expert. Local planning authorities usually contract external experts to collate baseline information and develop plan designs. To optimize the integration between the plan and SEA, the terms of reference for these experts needed to be coordinated with the terms of reference for the SEA experts. Both sets of experts also had to be brought together early in the planning process. The Dutch and Macedonian counterparts worked closely, in a series of workshops, on drawing up an effective process. A lot of work also went into designing an public participation plan.

Cooperation results

More effective screening

Deciding whether an SEA is required was one of the first issues confronted in the cooperation. The Macedonian SEA system applies two screening mechanisms:

- a positive list (all strategies, plans and programmes on this list, including their amendments, require an SEA),
- complemented by case-by-case screening.

Planning documents that are not on the list are subject to SEA only if they are likely to have a significant impact on the environment and on human life and health. The ministry was originally responsible for these screening decisions. In the first instance, the all-inclusive wording of the positive list, in combination with a very cautious case-by-case screening attitude at the ministry, resulted in a too wide scope of application. More than once, an SEA was required for minor plan changes that would have negligible environmental impacts. The regulation allowed the ministry very limited discretion to decide not to undertake an SEA in cases where it would have little added value. Both the screening list and the screening procedure needed to be revised.

At the same time, the ministry had already concluded that many SEAs were starting too late. The ministry's SEA team came up with an idea: if the government agencies responsible for the plan were given the mandate to make screening decisions, it would encourage the early consideration of SEA and hopefully lead to better integration into the plan process.

The Macedonian counterparts worked on the wording of the screening lists to get a more focused appreciation. They also redesigned the screening procedure. Together with the Dutch counterparts, they devised a screening form that takes the planning authorities through the screening process step by step. Examples of completed screening forms were prepared to give planning authorities guidance, and a team of Dutch and Macedonian colleagues toured the country to explain the new screening approach. After it had been tested and widely discussed, the new screening approach was effectuated with an amendment to the regulation.

According to the ministry's SEA team, this change has distributed responsibility for SEA more equally between the ministry and municipalities. SEA is no longer predominantly seen as a ministry instrument. The ministry is also impressed with the quality of the screening decisions now being made. It checks all the screening decisions and agrees with the screening decision in about 95% of the cases. As final proof: the number of SEA applications has gone down in comparison to 2009.

Improved SEA regulation

The changes in the screening procedure were not the only improvement to the Macedonian SEA regulation. Arrangements were incorporated for transboundary consultation on SEAs concerning plans that will have cross-border effects. Following the Dutch example, the ministry also developed a specific clause to allow for a combined assessment procedure for those planning decisions that require both and EIA and an SEA. Small irregularities in the regulation were also ironed out. Although minor tweaking will continue and future implementation issues may give rise to further amendments, for now the regulation is coherent, consistent with the ministry's vision on SEA and meets EU requirements.

Improved capacity of the ministry's SEA staff

It was clear at the very beginning of the cooperation that the discussions within the ministry's SEA team were constrained by their limited experience with SEA. A study tour was therefore organized early in the project. The SEA team was immersed for about a week in Dutch SEA experiences. It looked closely at how the NCEA organized its work, discussed law drafting with the Netherlands Ministry of Infrastructure and Environment, and heard how the municipality of The Hague and the Province of Overijssel organized their SEAs. The level of discussion within the team was greatly elevated after that week, and the team had much more well-defined opinions on what should happen with SEA in Macedonia. When, more than a year later, a delegation of the team attended an international conference on SEA, they could comfortably hold their own amongst counterparts from all over Europe (see quotes).

This positive trend continued throughout the project. The ministry's staff steadily became more confident and convincing in the various workshops and seminars on SEA that were held in Macedonia. At the end of the project, the ministry staff were asked to complete a self-assessment questionnaire. As they had completed the same questionnaire at the beginning of the projects, the results could be compared. Each individual reported an increase in the relevant skills and knowledge, as well as an in-depth understanding of the SEA process and its added value. The team also reported that its expertise is recognized by SEA practitioners. It is now more common for planners and SEA experts to consult the ministry on on-going SEAs.

'We're moving in the right direction. We've overcome some challenges that other countries are still dealing with. For example, we've devolved the screening decision to the planning authority, which helps build its ownership of SEA.'

Jadranka Ivanova, head of the Department for the EU.



See also: www.sea-info.mk

Improved SEA awareness

Outreach activities were a major part of the cooperation project. An online SEA portal was set up as an interface between the MoEPP and people working with SEA throughout the country. The portal was used to disseminate the regulation and all the guidance and case material produced. The Macedonian and Dutch counterparts jointly organized three national SEA seminars, and three series of smaller scale workshops at various locations throughout the country. The regional workshops engaged municipalities and focused on local planning. Here, people could take part in more intimate discussions on how SEA affected their work. Municipalities appreciated the fact that the ministry's experts had come to them, rather than the other way round. This approach paid off, and the ministry feels that a real difference in the awareness of SEA has been achieved at the municipal level. It has seen the number of good practice SEA examples increase accordingly. The national sessions were aimed more at central agencies and national-level planning. These sessions were also popular, but the ministry feels that the awareness results are more modest. There is still confusion amongst the sector ministries and other national agencies about what SEA means, and work remains to be done.

More and better certified SEA experts

The Macedonian regulations require an SEA to be undertaken with the involvement of at least one certified SEA expert. This is a relatively uncommon feature of SEA systems in Europe; only Romania and the Czech Republic have a certification system in place. The fact that the experts are certified should guarantee a minimum quality of the work delivered. However, in the early years of SEA implementation in Macedonia, the SEA certification system was not working as intended. The key problem was that the pool of certified experts was far too small. In 2009, there were only five certified experts, and some were spreading themselves very thinly across assignments yet still charging a hefty fee. Now, in 2012, the number of certified experts is heading towards 30, and there is enough competition to keep everyone on their toes. The quality of the experts has also increased, as practice has matured, and there have been more opportunities for professional exchange, in particular through this cooperation project. A testament to this observation is the fact that the percentage of candidates who pass the certification exams has increased. In addition, far fewer complaints are now made to the ministry about the certification system.

“Municipalities appreciated that the ministry’s experts came to them, rather than the other way round.”

Success factors for capacity development

At the end of the cooperation, the MoEPP and NCEA counterparts jointly evaluated their experience. Several success factors were brought to the fore.

A systems approach

The systems approach to SEA capacity development provided a useful framework for the Macedonian–Dutch cooperation. It helped the counterparts to make key decisions on the role of the ministry in SEA and to engage relevant stakeholders. This cooperation project resulted in a number of regulatory changes, and the system’s perspective facilitated careful consideration of how a regulatory change would affect the various actors within the system, and what strategies could be followed to bring those actors on board in effecting the change.

Dedicated people

At the start of the cooperation, the ministry set up an informal team of staff members as counterparts to their Dutch colleagues. This ‘SEA team’ consisted of people from the two key departments involved in SEA, with an additional expert from the spatial planning department. Having this core team in place turned out to be a success factor for the project. The team composition remained more or less the same throughout the project. As a result, the Macedonian and Dutch colleagues got to know each other and could develop a shared understanding of the Macedonian SEA system. It also helped to establish a practice of cross-departmental cooperation that did not exist previously but is crucial for an interdisciplinary instrument like SEA. The main challenge for the future is to structurally embed in the ministry’s arrangements the capacity that has been built – an issue that should perhaps have been addressed more directly at the beginning of the project when the team was put together.

Flexible approach

Another success factor was the flexible approach both parties took to the cooperation. New insights emerged in the course of the 2-year cooperation. For example, in the second year, public participation became a more prominent topic. The importance of early public participation in identifying environmental priorities and planning options was discussed especially at the regional SEA workshops. During these meetings, municipalities indicated that they were not always able to organise effective interaction with the public. To address this, additional cooperation activities were set up, and the Dutch Centre for Public Participation was asked to provide its expertise. Although such project changes are labour intensive, they generally make a project more relevant to what people are dealing with at the time.

Local assistance

Finally, it is important to realize that cooperation activities in this kind of project are added to the day-to-day responsibilities of the ministry. None of the team members was working on SEA exclusively; each had a range of additional responsibilities, and limited time and resources. A local NGO was engaged to provide assistance. This proved crucial in maintaining the momentum in the Dutch–Macedonian communication. The NGO also took care of all the more time-consuming details, such as the logistical preparations for workshops and seminars. Without that type of assistance, it would have been necessary to scale back significantly the ambitions for the cooperation projects.

‘It seems all countries have similar challenges with SEA implementation. This gives us confidence, because our problems with SEA implementation are not so much about our lack of capacity, as about the complexity of the instrument.’

Kaja Sukova, head of the Department of Sustainable Development.

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Public Participation in EIAs and SEAs: Lessons Learnt in the Netherlands and their Application Abroad

Ineke Steinhauer and the Dutch Centre for Public Participation

Public participation has been internationally recognized as one of the basic pillars of effective environmental impact assessments (EIAs) and strategic environmental assessments (SEAs), alongside transparency and good quality information. This article reflects on the experiences of the Netherlands Commission on Environmental Assessment (NCEA) with public participation in the Netherlands and abroad. It summarizes how public participation in EIAs and SEAs has evolved in the Netherlands over the years. Principles and recommendations for effective public participation are outlined and illustrated by some examples from practice. The article also reports on our experiences in Macedonia, where the NCEA worked closely with the Macedonian Ministry for Environment and Physical Planning and the Dutch Centre for Public Participation.

Evolution of public participation in EA in the Netherlands

Legal requirements before 2010

The Dutch approach to public participation in EA (see the basics of public participation in the box below) has changed over time. Before 2010, the start of each EA procedure had to be publicly announced at the beginning of the scoping stage in a local newspaper and the Government Gazette. The announcement had to state:

- Where the public could obtain more detailed information (relevant ministries, town hall);
- In what period of time and on what terms written comment could be given;
- Whether a public hearing would be organized (not compulsory at this stage);
- The proposed activity and the decision to be taken;
- The competent authority;
- Illustration of the proposed participation process (not compulsory but desired).



The information about the proposal was summarized in a document (notification of intent). Only comments on environmental impacts or suggestions for new alternatives were taken into consideration in the scoping stage. The National Agency for Cultural Heritage was informed separately about the start of an EA.

During the review stage, the publication of the EA report was announced in the Government Gazette. A non-technical summary that was complete, accessible and easy to understand was obligatory. Written comments could be given and often a public hearing was organized (not obligatory). The NCEA usually attended the public hearing. Upon the request of the competent authority, the NCEA took into account written public participation. The criteria for deciding whether comments would be taken into consideration were the extent to which they dealt with the content of the EA report, and whether the information was relevant to decision-making. However, the competent authority had to respond to all comments. The final decision was published and public appeal on decision-making was possible.

In practice, on top of the legally required public participation, there were often other forms of participation while the EA report was being drafted, such as sounding boards, arenas, information markets and specific websites.

Since 2010

In July 2010 new EA regulation came into force. From then on a distinction is been made between:

- the simplified project EIA procedure, and
- the full-fledged procedure for EIA for complex projects and an SEA for plans.

The above description of public participation in the pre-2010 situation is still valid for the full-fledged procedure. In the simplified procedure, however, the official announcement, the notification of intent, scoping and public participation are no longer obligatory. Although public participation early in the process remains obligatory in the full-fledged procedure for complex projects and plans, the way in which it should be arranged is not specified. This has led to unclear situations in terms of legal consequences, both for the public ('what are our rights?') and for the authorities ('what will happen if participation is lacking or badly organized?').

A more detailed description of the changes in the Dutch EA regulation is given in the NCEA article titled: Twenty-five Years of EA in the Netherlands

The basics of public participation

Around the world, public participation is perceived differently, resulting in numerous definitions in relation to EIA and SEA (hereafter referred to as EA – environmental assessment). The one used in this article is *'a mechanism by which individuals put forward their opinions/ideas or take actions in relation to plans, projects, activities and situations that affect or will affect them either positively or negatively'*.

The following forms of participation can be distinguished:

- *Information exchange*: individuals are informed and may ask questions during public debates; there is no commitment to take their input into account.
- *Consultation*: individuals are invited to comment on proposals; this may occur through formal procedures or surveys or during debates. Authorities commit themselves to take these comments seriously, but they cannot be held accountable if they do not do so.
- *Advising*: individuals may indicate problems and suggest solutions. Authorities take these suggestions seriously and promise accountability on how they have been used.
- *Joint production*: stakeholders representing different interests jointly design plans and projects with public officers and proponent. In principle, these solutions are adopted but well-accounted justifications for amendments are possible.
- *Joint decision-making*: stakeholders jointly design and adopt solutions.

Public participation in EA evolves from 'voice' into 'vote'. The above continuum of options gives the impression that it is considered good practice to try to be as close as possible to the more advanced stages of public participation. However, it might be better to apply a minimal approach in some cases, depending on the scope for policy-making (as some decisions may have already been made) and the legal possibilities (e.g. the room for manoeuvre within the established law). In the Netherlands, as applied by the Dutch Centre for Public Participation, the following principle is leading: *'A simple participation process if possible, and an extensive participation process if needed'*.

Furthermore, there are three ways to approach public participation, namely as being the responsibility of the authority/proponent, the public, or both (state-led versus society-led participation). However, waiting for people to act is generally not the most effective and may result in a waste of time.

To make up for this absence of guidelines for public participation in the new EIA legislation, the Dutch Centre for Public Participation (hereafter referred to as CPP) developed principles and recommendations for a ‘new-style’ public participation. Another reason to establish these principles was the need expressed by the government to be able to develop more tailor-made participation to replace the static and standard way. These principles are outlined below. Four case examples illustrate some of the principles.

1. Public participation serves the process of decision-making

- a. Involve the public while the options are still open, before decisions have been made and while public participation can still make a difference.
- b. Ensure that public participation provides useful input for the decisions to be made. This implies that the authorities should have a clear idea of what the public is being asked to do or contribute, and ensure that the public is aware of this.
- c. Ensure that the subjects for participation suit the level of decision-making. Asking the right people or organizations the right questions is crucial for successful decision-making. Be aware that the public may have different expectations.

2. Politicians and authorities are committed

- a. At the start: policymakers (e.g. a minister or mayor) and decision-making authorities (e.g. a council) should share a vision of public participation.
- b. During participation: policymakers and authorities should show active involvement. For example, when the Minister of Environment kicks off a public participation event, it shows his/her political commitment to use the results of public participation.
- c. After participation: policymakers and decision-making authorities should demonstrate how results have been taken into account.

3. Participation is tailor-made to bottlenecks

- a. Develop a specific public participation plan and ensure that it is part of the budget and an integral part of the whole process.
- b. Look at the way in and level at which people are organized in the area, and at earlier experiences with participation.
- c. Ask the public how they want to be involved. This helps to, for example, involve very critical environmental NGOs right from the start, leading to fewer protest letters and appeals

4. Attitude, competences and knowledge

- a. Link administrative, political and civil society reality.
- b. Maintain an open and positive attitude. For example, one usually gets only negative reactions; one does not hear the positive ones. Put effort into the challenge to know about both.
- c. Ensure that the required knowledge and expertise is present.

5. Clear, complete and reliable communication

- a. Publish the public participation plan and make a connection to the general communication strategy.
- b. Arrange for a clear and accessible point of contact. For example, create an ‘ideas box’ on the internet where people can post solutions.
- c. Explain when things go wrong in the process of public participation.

“A minimal approach to public participation might be better, depending on the scope for policymaking and the legal possibilities.”

Example of principle 1a: SEA for long-term structural design plan for Amsterdam 2020-40

The ambitious administrators experimented with new forms of public involvement during the design of a long-term structural plan for the city of Amsterdam. The plan outlined the desired spatial development of the area and indicated where, for example, housing and work, public transport, harbour, water and green would be located. The plan also specified the use of sustainable energy and areas that should be reserved for the Summer Olympics, which might be held in Amsterdam in 2028. Stakeholders and the general public were consulted at the start of the process by holding more meetings than usual and by actively seeking out people. Their comments and wishes were used as building blocks. On the basis of this information, the administrators in Amsterdam defined their ambitions and stakes at the start of the SEA and planning process. This made it possible to test alternatives against them in the SEA report. Consulting many parties at an early stage of the planning process proved to be a success: it led to more support for the final decision.

Example of principles 1b and 1c: SEA for Room for the River

The Netherlands expects that the risk of flooding will increase in the future, as more intense rain fall is predicted upstream. The Room for the Rivers plan aims to define the necessary measures to protect the Netherlands against the flooding of the river Rhine, now and in the future. More specifically, the plan outlines a package of measures for the three main branches of the Rhine: the rivers IJssel, NederRijn/Lek and Waal. An SEA with an integral view of the entire river system was undertaken for this plan. EIAs were subsequently carried out for specific segments of the river. These EIAs were based on the strategic decisions taken during the SEA.

Interest groups that were formed during the SEA, continued to exist during follow-up EIAs. The management of expectations was very important in this case, as the level of decision-making and consequently the issues for decision-making were very different. Stakeholders' expectations were monitored by comparing their perceptions after the end of the public participation term, with their judgement after the competent authority had responded to the comments. Their opinion on the participation process seemed to be more positive as compared to other projects, while after the competent authority had responded, their opinion was more negative as compared to other projects. The competent authority invested a lot of time, energy, materials, etc. in the initial phases of participation, without taking into consideration the effort needed to deal with public participation results and to process comments appropriately. The high expectations could clearly not be met.

“This inexpensive way of public participation generated a wealth of information for decision-making.”

In January 2012, the CPP commissioned a consultancy firm to perform an analysis based on 3000 public participation comments on and reactions to projects that had been implemented in the period 2007–11. The main questions were whether the principles of new-style public participation had led to the public being more satisfied with the decision-making process, and whether the contents of the projects and plans had improved over the previous five years. The following was found:

- There had been a shift from comments on process to comments on contents;
- The general tone of the reactions was less negative;
- The reactions fit the particular phase of decision-making much better;
- The opinion on the process was increasingly less negative;
- The number of reactions per project had decreased.

Thus, a quantitative substantiation could be given to demonstrate that public participation has evolved, and can be worthwhile.

Sharing Dutch experiences abroad: the example of Macedonia

Other countries are interested in the Netherlands experiences with public participation. In recent co-operation projects that the NCEA has been involved in, public participation has been a popular topic. Between 2009 and 2011, the NCEA contributed to a government-to-government (G2G) project in Macedonia. Under the G2G programme, Dutch agencies with a public function are teamed up with corresponding agencies in countries that want to accede to the EU. The goal of such programmes is to foster bilateral relations and to contribute to sustainable economic development in the receiving countries. Cooperation projects in the field of the environment are usually funded by the Netherlands Ministry for Infrastructure and Environment. The G2G cooperation project with Macedonia, which was led by the NCEA, aimed to strengthen the regulatory framework and practice of SEA in Macedonia. During project implementation, the issue of public participation was raised several times and concerns were voiced by Macedonian counterparts, such as: *'We don't get any feedback'*, *'We are not represented enough in decision-making, it's just a debate afterwards without any significant effects'*, *'When public participation meetings are organized, no-one shows up'* and *'Citizens don't have access to the programme for the drafting of the plan'*. The Macedonian SEA team therefore asked the NCEA to include in the project specific support for public participation. For this, the NCEA called on the Dutch CPP to contribute their expertise. Hereunder, three cases in which such support was provided are further explained:

- Support for the on-going SEA pilot for the City of Skopje General Urban Master Plan;
- Addressing questions posed by the mayor of Centar, one of the sub-municipalities of Skopje; and
- Awareness-raising activities.

For full overview of this co-operation project, see the NCEA article [Success factors for SEA capacity development: the Macedonia case](#)

Example of principle 3a: SEA for the Rotterdam Vooruit urban plan

Rotterdam Vooruit is part of a larger project in which provinces, municipalities and urban regions work together on a common vision of the spatial, economic and social development of the rapidly growing conurbation in the west of the Netherlands. The city of Rotterdam chose a proactive approach to public participation at the start of the development of the plan, and undertook an extensive communication and participation campaign. One of the methods used was an enquiry into the opinion of the general public. Students stood in the street asking people to complete a questionnaire, which was also published on an interactive website where the public could drop their ideas into an ideas box. This inexpensive way of participation generated a wealth of information for decision-making. In addition, after this first round, two focus group meetings were organized. These meetings were used to talk in depth about the proposed ideas with a small, yet representative group of people. This proactive approach resulted in a better understanding and an improved quality of the plan. Public participation showed that the safety of roads, junctions and tunnels were very important issues. As a result, the minister gave priority to ideas that tackled safety problems.

Example of principle 3c: SEA for the development of the city of Almere

The city of Almere elaborated a triple development plan in which the development of environmental, urban and infrastructure systems is envisaged. To develop the structure vision for this plan, a public participation plan was made. A public-friendly version of the plan was then drawn up and presented along with the intention to produce a Strategic Environmental Assessment. The public was asked to respond to the proposal and to express how it would like to be involved in it. This led to a number of good suggestions, which were used to amend the plan. It also provided an initial impression of who the interested parties were. The participation plan was then presented to the administrators, who were asked to commit themselves to the process and its results – an essential component for the success of the participation.

In Romania, the NCEA and the CPP worked, in collaboration with Ameco Environmental Services, on a booklet that includes guidelines for public consultation in EIA and SEA procedures. This booklet is available at: http://www.amecout.nl/fileadmin/user_upload/Documenten/PDF/Booklet_G2GROM_-_ENG_final.pdf

The guidance material to design a public participation plan is available at: <http://www.seainfo.mk/Docs/Upatstva/Guidances.pdf>

Public participation activities in the SEA pilot for the city of Skopje

The NCEA and the Dutch CPP presented Dutch experiences with public participation, as well as experiences from the previous project in Romania, to the city of Skopje project team that was working on the General Urban Plan and the SEA. In turn, the city of Skopje gave a presentation on how they usually organize participation and what assistance they needed. The city indicated that citizens and NGOs have hardly used the opportunity to participate. Moreover, usually only experts take part. This is probably because citizens are concerned only with communal affairs, not with the socioeconomic development of the city as a whole. *'We rarely hear citizens remark on environmental issues [noise, air, water, etc.]; they're only concerned with local, immediate problems'*. The city expressed its need for assistance to organize public participation in a different way from their current practice, which was not sufficiently effective. This exchange helped the Dutch experts understand the current Macedonian participation experience, while exposing the city of Skopje team to new ideas on participative approaches.

During a follow-up visit, the CPP facilitated a workshop with the Skopje team on how to design a public participation plan for the city's General Urban Plan and SEA process. The outcomes were documented in a participation plan. The steps to design a participation plan were translated into guidance material, which also provides tips for dealing with practical bottlenecks (such as resistance to public participation) and with the participation results.

Drafting a public participation plan for the General Urban Plan and SEA

The workshop with the city of Skopje team started with a series of questions, for example: 'What does the public expect from public participation?', 'What does the mayor expect from public participation?', 'What does the project team expect from public participation?', 'What are the restrictions in terms of time, legal rules, budget?' These questions were meant to define the ambition as regards participation. Milestones in the planning and SEA processes were subsequently identified. These milestones included documents, start of studies, important interim political decisions, etc. A stakeholder analysis was also carried out. All stakeholders were identified and categorized according to four characteristics, namely influence, stake, agreement /non-agreement with the content of the General Urban Plan, and confidence/no confidence in the process of the General Urban Plan. Before this workshop, the city of Skopje team did not have a full picture of all the stakeholders in the project. They knew who the obvious parties were, but the stakeholder analysis identified the less obvious ones. The diagram of the analysis (see figure on the right) shows at a glance who might resist the plans and who might be willing to discuss them and provide input. In general, stakeholders can be classified into four groups: the 'friends', the 'enemies', the 'opponents' and the 'coalition partners'.

This was followed by a discussion on each of the previously identified milestones. Six questions were answered:

1. Is this milestone suitable for public participation?
2. If so, what do we want to know from the public?
3. To whom do we want to put these questions?
4. How will we put these questions to relevant people/organizations?
5. When should this happen?
6. Who is responsible for organizing this?

The results of this exercise are shown in the table on the next page.

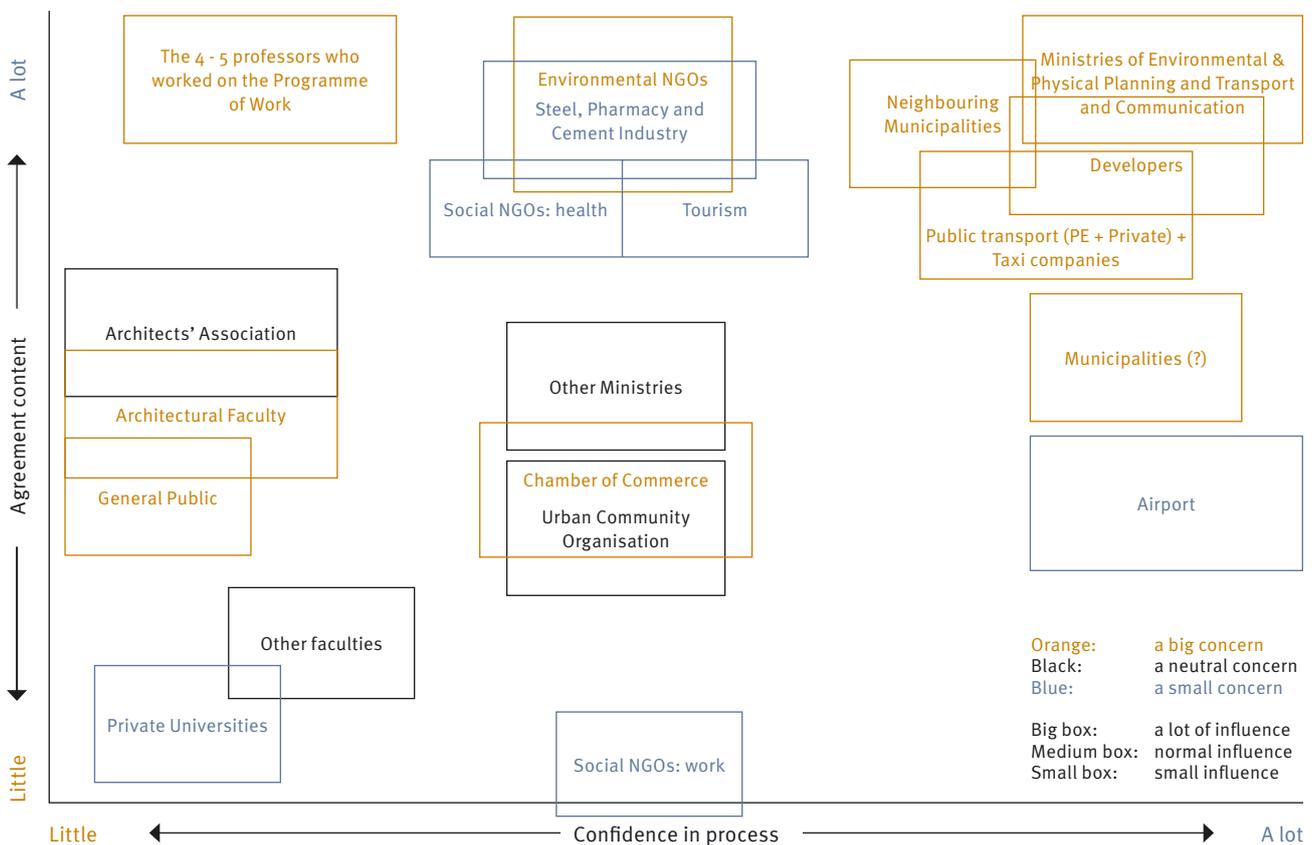
Meeting with the mayor of Centar, one of the sub-municipalities of the City of Skopje

The mayor of Centar asked to meet informally to discuss some problematic issues regarding public participation. Macedonia is a small country, and many people know each other. There is often lobbying for certain ideas to be implemented. There is considerable political influence and conflict between the ruling political party and the opposition. The opposition generally refuses to approve project ideas in order to create a backlog. It usually organizes other parties (like NGOs) to protest. Thus, the public are not sufficiently involved, and when they are, the public participation process is frequently misused by politicians. Those who are interested are often very divided; those who are not divided are generally not interested or do not have the time or energy to partake in public participation. The experts are also usually divided: one group approves plan proposals, the other group is against them. As a reaction, the Dutch CPP gave the following tips:

- Ensure early participation in addition to formal (legally required) participation.
- Meet people in person.
- Listening to people is not the same as doing what they want.
- Start with 'neutral' projects as an example.
- Use other ways of public participation (not just written comments), be creative.



Result of the stakeholder analysis for the City of Skopje General Urban Plan and SEA



Summary of public participation plan for the City of Skopje General Urban Plan and SEA

Milestone	Question	Who	How
Programme of Work	Is the programme correct? Do you have any additions?	Representatives of institutions Experts	Expert meetings Informing general public online (min. 30 days)
Scope of SEA	Is the scope complete? If not, do you have any additions? Do you agree with the mayor's decision?	General public	Public announcement on City of Skopje website with possibility to react
Tendering document	No public participation		
Appointment expert	No public participation		
Initial Variants Document	Which solution is best in your opinion for subject X? What other solutions do you have for subject x?	General public Organized stakeholders	Publish document online including questions Public hearings with focus on discussions
Expert Report (SEA)	What is acceptable / unacceptable? What do you find important? Is the report complete? Do you agree with the significance of the solutions in the report?	Everyone	Publish on the websites of the city of Skopje and the Ministry of Environment and Planning, with the possibility to react Public hearing with focus on discussion
Council's decision on the draft plan (before adoption)	Does the draft plan fulfil the requirements of the Programme of Work (incl. legal requirements)? Is the public feedback integrated in the plan? How should the plan be prioritized (budget and time)?	Experts	Expert meeting (maximum of 25 participants)
Presentation of proposal draft plan	What do you think of the outcome?	Experts	Publish on internet with possibility to react
Proposal plan (incl. council)	No public participation		

Public participation awareness-raising activities

The project was rounded off with a major awareness-raising push comprising a series of regional workshops and a final 2-day national seminar. One of the components was an interactive SEA participation session based on the guidance mentioned above. The interaction consisted of a discussion on a number of statements concerning resistance to public participation (see box below). The session also included the presentation of the results of the city of Skopje public participation plan and a discussion.

It's too early, we haven't yet got a proposal:	Early public participation will still prevent rumours and build trust.
It will take too long and cost too much:	The cost of not involving people can be even higher, and the long-term benefits generally outweigh the longer decision-making stage.
It will stir up opposition and activists will take over the process:	This will happen anyway; public participation can deal with issues before the opposition raises them.
We will only hear from those who are articulate:	Focus on the 'silent majority'.
We will raise expectations we can't satisfy:	Make very clear what has already been decided and on which issues public participation is desired. Promising action on decisions that cannot be changed will undermine the public's trust.
The local community won't understand the issues involved:	They will if you keep it simple. Locals have a better understanding of their own surroundings. Technicians talk theory, people talk practice.

Sharing lessons learnt

Public participation remains an important element for effective EA. At the same time, legally binding EA legislation or regulations provide one of the few platforms for the public to participate in decision-making. In the Netherlands, requirements for public participation have changed. Before 2010, steps and requirements were prescribed in the EIA and SEA legislation. But government authorities felt that this was no longer necessary: they had gained sufficient practical experience with public participation, and felt the need to develop much more tailor-made participation to replace the static and standard one. Nowadays, the slogan is: *'Public participation – not because we have to, but because we want to.'*

However, this shift in approach led to unclear situations in terms of legal consequences, both for the public and for the authorities. The Dutch CPP has therefore developed a set of guiding principles, based on its practice with public participation. These principles and guidelines have proved to be useful and effective in the Netherlands, new-style participation had led to more satisfaction among the public with the decision-making process, and to improved projects and plans.

A lesson to take from this experience is that a legally required public participation procedure is needed in many countries where practice in EAs is still developing. But after some time, these procedures can be replaced by a set of more flexible principles. The principles that have been developed in the Netherlands can also be of use to other countries, either for the development of legal procedures or for the design of participation in practice.

The successful cooperation between the NCEA and the Dutch CPP will be continued in 2012 in Georgia, whose Ministry of the Environment has expressed interest in the theme. And, finally, the NCEA always pays – and will continue to pay – due attention to the results of public participation in its advisory reports on individual EAs, both in the Netherlands and in international cooperation.

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