

European Commission, DG Environment

Strategic Environmental  
Assessment in the Transport  
Sector: *An Overview of legislation  
and practice in EU Member States*

October 2000

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## **EXECUTIVE SUMMARY**

The European Commission has appointed Environmental Resources Management to carry out a survey of Member States' use of Strategic Environmental Assessment (SEA) in relation to the transport sector.

The survey was based mainly on a series of interviews with environment representatives of national governments. For Austria, Germany, Finland, the United Kingdom and the regional government of Castilla y León-Spain we were also able to interview representatives of the transport administrations. Greece is the only country from which we were unable to obtain details within the timescale of the project. The interviews provided an overview of SEA legislation and practice at the national level. In the case of Italy and Spain we were also able to interview regional government representatives.

The study provides an overview of which countries have legal requirements for SEA of transport policies, plans and programmes (PPP), and which countries have practical experience of SEA in the transport sector.

The results of these interviews suggest that the 14 countries assessed can be divided into three broad groups:

- **“established”** - countries which have an established history of SEA of transport, supported by legal requirements (Denmark, Finland, Sweden and The Netherlands);
- **“progressing”** - countries which are moving towards a consistent application of SEA of transport PPPs, through various means (pilot studies, proposed national legislation and/or existing regional legislation on SEA, extended-EIAs which have SEA components), (Flanders, Ireland, Italy, United Kingdom, some Spanish regions, and France); and
- **“wait and see”** - countries which have chosen to postpone action until the proposed Directive has been approved (Austria, Brussels and Wallonia, Luxembourg, Portugal, Germany and Spain-national level) .

The experience of those countries which have embraced SEA, choosing to test this new methodology and develop it in order to maximise benefits, can be very important for other Member States. The main lessons learned are summarised below:

- *Legislation and consistency*  
The existence of SEA legislation ensures a more consistent application of SEA to a range of PPPs, the carrying out of more comprehensive evaluations (compared to ad-hoc or pilot studies), and greater influence of the results in relation to the final decision;

- *Understanding environmental impacts at the strategic level:*  
SEA contributes to a clearer understanding of the environmental implications of transport PPPs, but not only this. Countries like Sweden are now realising that SEA provides a more efficient approach to both policy development and implementation, by avoiding sub-optimal decisions and costly opposition processes. SEA can provide a good framework to ensure coherence between transport PPPs and environmental/sustainability objectives (international, national and local);
- *Improved collaboration and efficiency in decision-making*  
In some cases the SEA process is credited with having contributed to an improvement in communication and collaboration between the various institutions involved in transport, land-use and environment issues. Also, Member States where SEA is effectively integrated with existing planning and assessment practices for some years, have found that it can improve the efficiency of the decision-making process;
- *Positive effects on subsequent project-EIAs*  
SEAs can lead to the early exclusion of adverse projects, or simply to a ranking of projects which highlights the most sustainable ones. This results in a reduction of the number of strategic alternatives and projects which will need to be considered at subsequent planning stages;
- *Transparency and public participation*  
An SEA process will lead to increased transparency and to greater involvement of the public. However, to date the inclusion of full and meaningful participation has been limited. Thus, the benefits tend to be more a reflection of Member States expectations of future outcomes.

It should be noted that the countries in the “established” group tend to have small government administrations if compared to the other Member States, and this is likely to have some influence on their ability to progress SEA more quickly. For example, in Finland the relatively small size of the public administration has meant that officials from different departments often know each other, making it easier to co-ordinate and collaborate.

The interviewees also identified a number of obstacles, including:

- *Lack of expertise:*  
Two very different views were expressed in relation to “lack of expertise” as an obstacle to SEA. Countries with a lot of experience felt that this was indeed still a problem and were embarking in research and training programmes, to address the complexities of integrating SEA into planning and ensuring that the results of the assessment are capable of informing and influencing the final decision. On the other hand, countries which had limited or no experience were more inclined to consider EIA expertise as a sufficient basis to develop SEA. This could have negative impacts on the way SEA will be applied to PPPs in these countries, for example by limiting the range and nature of alternatives considered;

- *Lack of communication/collaboration:*  
Some countries have mentioned that poor communication and sometimes lack of collaboration at the institutional level can be a problem. This seems to be less of a problem in countries which are carrying out SEAs on a regular basis;
- *Additional bureaucracy:*  
Undoubtedly, having to adopt and carry out a new assessment process will result in some additional work and procedures which may involve longer timescales. In a limited number of countries this was seen as a major obstacle.

Finally, the review of experience in the 14 Member States shows that there remains quite a difference in the way an SEA is structured, even in those countries with an established history in the application of SEA to transport. The less common SEA stages include public participation, determination of measures for mitigation of environmental impacts and measures for monitoring the implementation of PPPs. Alternatives are considered, however the range and nature of options varies significantly.

Thus, to date, concrete progress in the systematic application of SEA to the transport sector, with a clear consideration of its results by decision-makers, remains limited to a few countries only.



# 1 INTRODUCTION

## 1.1 THE SCOPE OF THE STUDY

The European Commission has appointed Environmental Resources Management to carry out a survey of Member States' use of Strategic Environmental Assessment (SEA) in relation to the transport sector.

The study aims to provide the European Commission and the 15 Member States with an overview of which countries have legal requirements for SEA of transport policies, plans and programmes (PPP), and which have practical experience of SEA in the transport sector. Progress in the adoption of SEA has also been included as an indicator in the context of TERM, the Transport and Environment Reporting Mechanism coordinated by the European Commission services (in particular: DG Environment, European Environment Agency, DG Transport and Eurostat). This study will therefore provide background information for the next TERM report (due 2000/2001).

## 1.2 METHODOLOGY

### 1.2.1 Interviews and country profiles

The survey was based mainly on a series of interviews with environment representatives of national governments. For Austria, Germany, Finland, the United Kingdom and the regional government of Castilla y León-Spain we were also able to interview representatives of the transport administrations. A full list of contacts is presented in Annex B. Greece is the only country from which we were unable to obtain details within the timescale of the project. The interviews provided an overview of SEA legislation and practice at national level. In the case of Belgium, Italy and Spain we were also able to interview regional government representatives.

The material obtained through the interviews varies quite significantly in terms of detail. A very good response, often including supporting documentation and follow-up information was obtained from Belgium, Finland, France, Denmark, Italy, Sweden, the United Kingdom, and The Netherlands.

Interviewees were asked to discuss and provide detailed information on a common set of questions outlined in *Table 1.1*. The interview questions were discussed and agreed with the Commission and European Environment Agency (EEA) in order to provide clear direction for the overview and later analysis of the collected information both for this study, and in the context of TERM.

The application of SEA varies greatly between Member States, from those with only limited practical experience, to others where it is an established and

legally required process. As such the questions were divided into three sections to provide a comprehensive framework within which to discuss Member States' experience:

- legal requirements for SEA within the transport sector;
- non-legally binding systems for SEA in the transport sector (an established and formal system, but one that is not set out within legislation); and
- practical experience of SEA in the transport sector.

**Table 1.1 Interview Questions**

Section 1 Legal requirements for Strategic Environmental Assessment	
If your country DOES NOT HAVE established or draft legal requirements, please go to Section 2.	
1	Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details (title of Law, year, geographical coverage).
2	Are there specific requirements (or exclusions) for SEA of the transport sector?
3	Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms etc.?).
4	Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?
5	Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).
6	What are the legal provisions for transboundary consultation (if any)? Do they include the public?
7	Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.
Section 2 Non-legally binding systems or requirements for SEA	
8	Is an Environmental Assessment of transport policies, plans and/or programmes being carried out even in the absence of legislation? Please give details of the existing assessment systems (e.g. what are its main stages, are there Guidance documents on how to do the assessment) and describe what happens in your country, with reference to: <ol style="list-style-type: none"> <li>a) the type of transport policies, plans or programmes subject to SEA (please describe these policies etc.);</li> <li>b) the consideration of alternatives;</li> <li>c) public participation;</li> <li>d) transboundary consultation;</li> <li>e) the inclusion of the Environmental Assessment's results in the decision-making process;</li> <li>f) the link, if any, between the Environmental Assessment and other assessments (e.g. CBA).</li> </ol>
Section 3 Practice in the Member States	
9	Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?
10	Could you list the main stages of an SEA of transport based on your country's experience?
11	At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?



- 12 Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?
- 13 Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?
- Lack of expertise or funding, please comment.
  - Lack of communication/collaboration amongst different parts of the administration, please comment.
  - SEA is perceived as "added bureaucracy" and time consuming, please comment.
  - Others, please specify.
- How have these obstacles been overcome or what relevant changes are planned for the future?
- 14 Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?
- Clearer understanding of potential environmental effects of transport PPP, please comment.
  - Simplify the Environmental Impact Assessment process at project level (EIA), please comment.
  - Enhancing the transparency and the public support towards the transport PPP, please comment.
  - Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.
  - Other, please specify.
15. Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)
- 

### 1.2.2 *SEA literature and examples of good practice*

All information collected and processed by ERM was sent to the relevant interviewee (s) for review and comment. ERM has taken into account all the comments and additional information which were offered within the time set for responses. Further background information was obtained from the main Commission and EEA studies and literature on progress of SEA in the EU.<sup>1</sup>

Each country was asked to indicate a good example of SEA of transport, where this was available. These are listed at the end of each Country review, in *Annex A*. A number of these case studies has been presented in summary form throughout the main sections of this report, with an aim to highlight examples of good practice.

### 1.2.3 *Acknowledgements*

ERM would like to thank all interviewees for their time and assistance in the undertaking of this survey. Their input has made a crucial contribution to this study. A complete list of experts interviewed is presented in *Annex B*.

### 1.2.4 *Definitions*

Despite the ongoing discussions on the proposed Directive, the Member States' understanding of what constitutes an SEA still varies. To provide a common basis for the interviews and a reference point for analysis of Member States' progress in this area, we have adopted a generic definition of SEA,

(1) Including: *Case Studies on Strategic Environmental Assessment*. Final Report - Volume 1, 1997; *Strategic Environmental Assessment - Legislation and Procedures in the Community*. Final Report - Volume 1, 1995; and *Strategic Environmental Assessment - Legislation and Procedures in the Community*. Final Report - Volume 2: Case Studies, 1995.

partly based on the requirements of the proposed SEA directive <sup>(1)</sup>, see *Box 1.1*.

### **Box 1.1**

#### ***A Definition of Strategic Environmental Assessment***

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##### **SEA objectives**

The key objectives of SEA include contributing to a high level of protection of the environment and to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

##### **Key elements of an SEA**

In general, SEA should include the following elements:

- an analysis of the likely significant effects on the environment of implementing the proposed policy, plan or programme (PPP);
- the identification, description and evaluation of alternatives;
- the provision of the following information:
  - a) an outline of the PPP;
  - b) the current state of the environment and its likely evolution;
  - c) the environmental characteristics of areas likely to be significantly affected;
  - d) the environmental protection objectives relevant to the PPP;
  - e) the likely significant effects on the environment
  - f) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment;
  - g) an outline of the reasons for selecting the alternatives dealt with;
  - h) a description of measures for monitoring the implementation; and
  - i) a non-technical summary.

##### **Consultation**

The draft PPP and the environmental report are to be made available to relevant authorities and the public (including relevant NGOs and other concerned organisations).

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### **1.3**

#### ***STRUCTURE OF THE REPORT***

The remainder of this report is structured as follows:

- *Section 2* presents the main findings of legal requirements for SEA in the transport sector;
- *Section 3* presents the analysis of non legally binding systems;
- *Section 4* presents the analysis of Member States practical experience; and
- *Section 5* presents the main conclusions and recommendations.

Two Annexes provide additional information as follows:

- *Annex A Country Overviews*
- *Annex B Contact Names by Country*

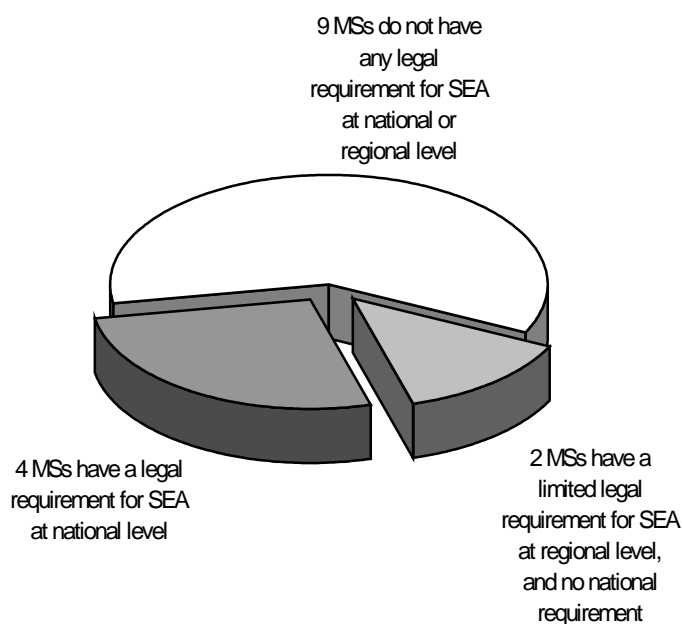
(1) Proposal for a Directive on Environmental Assessment of plans and programmes (COM (96) 511 final), amended in February 1999.

## 2.1

## INTRODUCTION

This section summaries the findings of the country overviews in respect of the legal requirements for SEA in the transport sector. *Figure 2.1 and Table 2.1* set out these findings for all Member States according to the main questions in this section.

**Figure 2.1** SEA legislation in the EU



This *section* presents the results of the legal overview in the strictest sense. Countries which have SEA legislation specifically and directly aimed at transport PPPs, have been categorised as having a *full* legal requirement. We have classified separately any legal requirement for the “consideration of the environment” in the transport sector. *Table 2.1* summarises these findings and *Annex A* provides the detail response for each country.

**Table 2.1** *The Existing Legal Basis for SEA of Transport in the EU*

Country	A Full SEA legal requirement for Transport	A Full SEA legal requirement for Transport	A reference in the legislation which calls for a "consideration of the environment"
	National law	Regional law	<i>For the countries which DO NOT have SEA legislation</i>
Austria			Yes
Belgium			
Brussels			Yes
Flanders			Yes
Wallonia			Yes
Denmark	Yes		
France			Yes
Finland	Yes		
Germany			Yes
Greece			
Italy		Yes	Yes
Ireland			Yes
Luxembourg			
Netherlands	Yes		
Portugal			
Spain		Yes	
Sweden	Yes		
United Kingdom			Yes

## 2.2 FULL LEGAL REQUIREMENT FOR SEA OF TRANSPORT

### 2.2.1 The Countries with an "Established" SEA System

Only three countries have adopted legal requirements for SEA at the national level: Denmark, Finland, and the Netherlands. For all three, the legislation has been a requirement for several years, a fact which is reflected in their understanding of the issues and the overall positive approach towards the process.

In addition, it should be noted that Sweden's National Resources Management Act and a Government Ordinance of 1996 refer to a requirement for environmental assessment of transport-related initiative. This is not a specific SEA law, and the requirements do not specify the need to complete key elements of an SEA as defined in *Box 1.1*. Nonetheless, it has led to a number of SEAs, including an assessment of the roads and national railway plans.

**Denmark:** The Danish Prime Minister Office Circular no. 159, 16<sup>th</sup> September 1998<sup>1</sup> makes SEA legally binding for national government bills submitted to Parliament that will have a significant environmental impact. The requirement also applies to PPPs which are not subject to a approval by Parliamentary vote but on which the Parliament must be consulted.

(1) <sup>1</sup>latest version, the first Prime Minister circular was introduced in 1993.

**Finland:** The *Act on Environmental Impact Assessment Procedure (468/94)* (amended in 1999) (Section 24) requires the environmental assessment of PPPs which may give rise to significant environmental impacts.

**The Netherlands:** Under the Environmental Protection Act 1979 and the EIA Decree 1994, certain plans and programmes are subject to SEA procedure.

**Sweden:** At the national level, requirements to carry out environmental assessment in long-term transport infrastructure planning were introduced in 1996 for the plan period 1998 – 2007. The transport authorities are required by government ordinance to include an assessment of effects on the environment as well as other impacts including health.

For Denmark and Finland the legislation includes a general requirement for SEA of PPPs in a number of sectors including transport. The Dutch legislation is instead limited to plans and programmes (like the proposed EC Directive on SEA).

The common factor which triggers the requirement for SEA is the likelihood of significant environmental impacts.

### 2.2.2 “Environmental Assessment” of Transport Within Other Sectors

Several countries with no legal requirement for SEA tend, nonetheless, to include some form of generic provision for the ‘consideration of environmental issues’ in a variety of sectoral legislation.

**Austria:** At present PPPs are not systematically subject to an explicit environmental evaluation, although there is legislation in certain sectors such as energy, *transport*, water resources, waste management, land use planning and forestry, that requires PPPs to take environmental aspects into account.

This is particularly common in relation to land-use planning and urban development plans at the regional level. For example, each of the Belgium regions require some form of environmental assessment in the preparation of land use plans. These more general requirements for the consideration of environmental issues can be very similar to those of SEA. For example, - although it does not have SEA legislation - the United Kingdom has a well established requirement for the “environmental assessment” of land use plans at regional and local level.

**Brussels Region:** In the 1997 ordinance for town planning, states that some land-use local plans are submitted to an extended EIA including projects of road infrastructure with four lanes or more, bridges and tunnels, and of rail infrastructure of three tracks or more. If the project is extended (at the scale of the Brussels Region), the EIA will effectively be an SEA since the small size of Brussels implies that even a few kilometres of infrastructure can have major strategic importance, especially when they are linked to wider regional or national networks.

**UK:** In the land-use planning sector, environmental assessment of development plans is required by the *Town and Country Planning (England) (Development Plan) Regulations 1999 (SI 1999 No 3280)* and further detailed in government planning policy guidance notes.

A number of EU countries are applying SEA to the transport sector at regional level. Some regional governments/administrations of Spain and Italy have actually passed legislation for SEA of transport initiatives and/or land-use plans.

**Italy:** A small number of regions have incorporated some provisions for the environmental assessment of certain PPPs within their regional EIA Law:

- Friuli Venezia Giulia Region: requires that proposed legislation is presented with an environmental statement regarding the likely environmental effects of its implementation.
- the Liguria Region: EIA legislation includes a requirement for “environmental sustainability assessment” of regional planning and programming instruments in the areas of waste, water resources, noise, and air quality, as well as urban plans, which include transport policy. The Regional administration is also about to produce methodological guidance for the environmental sustainability assessment.
- the Basilicata Region: included SEA for land-use plans and urban plans in its EIA law, including the Regional Plan for Transport and Mobility. However, the legislation was subsequently changed and the SEA requirement was withdrawn.

**Spain:** Several regional administrations have statutory requirements for the SEA of plans and programmes related to the transport sector. The Decreto 209/1995 of Castilla y León explicitly requires an SEA of transport development plans and programmes for which the Regional Government has direct competence. It also requires SEA of multi-sectoral sub-regional plans, which include a transport dimension. However, to date no formal and full SEA has been carried out.

In other cases, such as Denmark and Finland, the national requirement also applies to the regional level of government. For example, an SEA has recently been completed for the Helsinki Metropolitan Transport System Plan. A summary of this innovative study is presented in *Box 2.1*. Central government in Denmark has asked the regional administrations to introduce SEA in line with national requirements. Fifteen regions have started to apply SEA to land use planning, however despite the responsibility for transport issues at the regional level, none have considered the transport sector as yet.

A revision of the Helsinki Metropolitan Transport System Plan (PLJ) was undertaken in 1998 by the Helsinki Metropolitan Area Council (YTV). YTV is the joint municipal organisation of the cities of Helsinki, Espoo, Vantaa and Kauniainen. As part of the revision process, a Strategic Environment Impact Assessment (SEIA) was undertaken to provide base material for the preparation and decision making of the revised plan.

The SEIA was undertaken by the Transportation Department of YTV, which consists of almost fifty professionals with responsibility for the effective and efficient running of the public transport system, and its environmental impact. Other departments and external consultants were also involved to provide information on areas outside the expertise of the YTV. This was found to be essential due to the wide range of impacts associated with transport. However, the process of co-operation was not found to be easy, partly due to the number of parties involved, different interests, culture and styles of working.

The SEIA considered three transport system alternatives:

- the existing 1994 PLJ (baseline scenario);
- development based on a policy to develop private vehicle traffic;
- development based on a policy to develop public transport.

The assessment was conducted to the year 2020 and used the general aim set out in a separate strategic planning document, the Helsinki Metropolitan Area future scenario project (PKS 2020), as a starting point for all alternatives. This scenario presents Helsinki as 'a vital business centre, with 1.1 million inhabitants by 2020'. The review of PKS 2020 and the review of the PLJ were considered simultaneously by the Board of the YTV. For each alternative, positive and negative impacts were identified for:

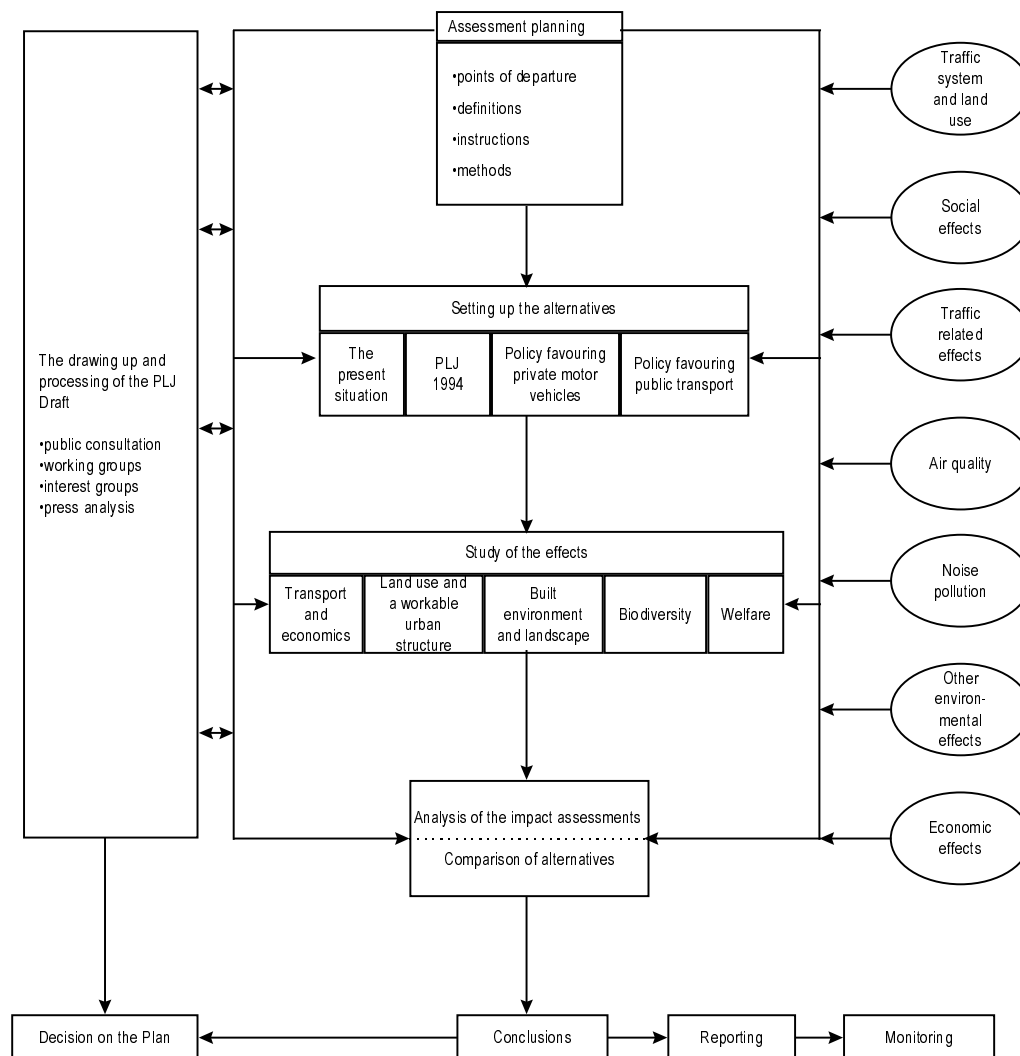
- traffic and mobility,
- land use, and
- environment.

The SEIA also included an assessment of the social impacts. This was restricted to the effects on mobility, health and living conditions in housing areas.

The results indicated that the system based on development of public transport would have less significant environmental impacts than the baseline scenario or the development of private vehicle traffic. Although it cannot be stated the SEIA has a strong direct influence on the decision making process, the Transportation Department note that the results were used by some politicians in negotiations for deciding on the final form of the revised plan.

The Figure below sets out the main stages of the assessment process. It shows that the SEIA was undertaken in parallel to the decision making process from an early stage.

The PKS 2020 acknowledged the importance of the link between transport and land use planning in the realisation of a desired vision for the Helsinki Area. The land use assessment applied in the PKS 2020 stressed that growth be directed to support new public transport projects, and building in the vicinity of good public transportation connections. Furthermore, the Council decided that the next Helsinki Area Vision will be revised in close co-operation with the re-evaluation of the Transport Plan by the end of 2002. The next review of the Plan will focus on the extent of achievement of public transport and environmental objectives.



## 2.4 THE TYPE OF PPPs SUBJECT TO SEA

In general, there appears to be little consensus on the definition of the terms policy, plan or programme. Most Member States had not specified any clear definition within legislation. Even where there is a general understanding of the terminology, or this is specified in guidance documents, the definitions vary significantly.

**UK:** National guidance for national level policy appraisal includes the following definitions that also apply to the transport sector:

- policy: the Government's strategic objectives in a particular area and framework for deciding programmes and policies
- programme: a set of related activities giving effect to policies

No definition of plan is given, however land use planning guidance refers to policies and programmes included within land use plans.

**Italy:** In Italy the norm is to have plans. These are considered as a more detailed type of document than a programme, so that the hierarchy is: policy, programmes and plans, followed by individual projects.

The review has shown that the type of PPPs subject to SEA based on national legislation are fairly wide ranging. The general statement that SEA should be



applied to PPPs with a significant environmental impact is often followed by more specific descriptions. For example:

- Denmark requires SEA for PPPs that are subject to some kind of Parliamentary process, which applies to both transport infrastructure and non-infrastructure PPPs;
- The Netherlands requires SEA for PPPs subject to Cabinet decision. This has often included transport infrastructure PPPs;
- In Castilla y León (Spanish region) the Decreto 209/1995 explicitly requires an SEA of transport development plans and programmes for which the Regional Government has direct competence. It also requires SEA of multi-sectoral sub-regional plans, which include a transport dimension;
- Finland adopted a **more flexible approach**. The requirement applies to all PPPs with significant environmental impact. Furthermore, there is no specific definition for policy, plan and programme, based on the view that flexibility will actually help to promote SEA more widely. Rather than trying to specify a limited list of PPPs, the possibility of applying SEA should be considered for all PPPs, whatever the type or name of the initiative. In practice, it would not be necessary for all PPPs to undergo an SEA, but the approach helps to extend the responsibility and the need to consider SEA. Thus far, SEA has been applied to both infrastructure and non-infrastructure PPPs.

**Finland:** The Ministry of Transport and Communications and the sectoral administrations for road, rail, civil aviation and maritime transport have undertaken a range of SEAs, for example:

- a long term programme for the TEN in the Nordic Triangle (about 5 years ago);
- various budget and action plans;
- Rail Network Infrastructure Programme to 2020;
- Transport Policy Guidance, including policy scenarios for sustainable transport;
- National Climate Change Programme - Sectoral Programmes looking at how to reach the Kyoto targets are being subject to a qualitative analysis of environmental implications (e.g. how will different urban structures affect noise patterns?);
- The Public Transport Strategy is being turned into a Programme and will be subject to SEA;
- A pilot programme for transport pricing (conducted with Sweden) is considering the environmental effects of alternatives (it involves stakeholder consultation, rather than wide public participation);
- A Cycling and Walking Programme is currently being designed and is subject to SEA.

## 2.5

### *DETAILED REQUIREMENTS*

#### 2.5.1

#### *Introduction*

This section looks at how existing SEA legislation deals with three key elements of the SEA process: alternatives, public participation and how the results of the SEA are taken into account in the decision making process.

Table 2.2 gives a summary of the interview results.

**Table 2.2** *Some details of the existing legal requirements for SEA*

Key element of SEA	Denmark	Finland	The Netherlands	Spain/Regional - Castilla y León	Sweden
<b>Does SEA apply to policies, plans or programmes?</b>					
• Policies	Yes	Yes			
• Plans	Yes	Yes	Yes	Yes	Yes
• Programmes	Yes	Yes	Yes	Yes	
<b>Do PPPs subject to SEA address non-infrastructure issues?</b>	Yes	(Yes)	Yes		
<b>Are alternatives considered during the SEA?</b>			Yes		
<b>Is Public Participation required during SEA?</b>			Yes		
<b>Is there a requirement to take the results of SEA into account in making the final decision?</b>	Yes		Yes		

### 2.5.2 *Alternatives*

Only the Netherlands includes a specific requirement for the consideration of alternatives, including a most environmentally sound option.

**The Netherlands:** The legislation requires the consideration of reasonable alternatives including a 'most environmentally sound option' that goes as far as possible in protecting the environment. In the case of transport, the consideration of alternatives can include demand management as an alternative to infrastructure. A zero option, ie no action alternative, is also considered in some cases

Neither Denmark, Finland or Sweden require the consideration of alternatives for transport SEA. In Denmark, such a requirement can be introduced at a later stage if the Transport Minister presenting the PPP to the Parliament, or the majority of the Parliament (51% of votes), were to ask for the SEA to include the consideration of relevant alternatives. The Ministry of Environment have noted that this is the weakest point of the Danish legislation when compared to the draft SEA Directive.

In Finland, the requirement for consideration of alternatives is not included on the basis that it may be difficult to find alternatives for certain PPPs (especially at policy level) and therefore a legal requirement would not be helpful. However, the consideration of alternatives is considered to be implicit in SEA methodology. Government guidance specifies that 'the entire process of environmental assessment is based on a comparison of alternatives'. The main message is that one should always try to identify alternatives, and it is felt that in practice, alternatives, modal infrastructure and non-infrastructure, are often considered.

### 2.5.3 *Public Participation*

#### *Legal requirement for public participation*

Public participation is a legal requirement of the SEA process in the Netherlands at the scoping stage, consideration of alternatives and the review of the impact statement and draft PPP. This is a very important example of early involvement of the public and has been found to be particularly

beneficial to the overall planning and assessment process. The legislation includes other specific requirements.

**The Netherlands:** The legislation requires that the opportunity for public participation is announced formally via newspapers. Responses can be received by letter or there is an opportunity to put forward formal comments at an obligatory public hearing. Less formal techniques are also practised, for example participation evenings and exhibitions.

Nevertheless, The Netherlands stands out almost as an exception to the rule. At present there is no requirement for public participation in transport sector SEAs in Denmark, however the Prime Minister's Office has asked that public participation be included in SEA of national policy. Public participation mechanisms at the level of plans and programmes are being developed by the Ministry of Environment. At the policy level, public hearings and a dedicated website are used to involve the public in the decision making process. Public participation usually takes place after the first drafting of the PPP however, as with the consideration of alternatives, the Minister and Parliament can request public involvement at the early stages of a PPP.

**Denmark:** All PPPs intended for parliamentary approval or consultation are published on an official government website, to which comments are invited from the wider public by a specified date. The Ministry of Environment also invites certain stakeholders to comment. The website provides the opportunity for any organisation or single individual to submit a request to be automatically informed of any future SEAs. The Ministry of Environment guarantees that every comment is scrutinised and given careful consideration as part of the SEA process. This applies to the transport sector as well.

Likewise in Finland, although there is no legal requirement, government guidance lists participatory planning and co-operation as one of the recommended stages of SEA. Interviews, hearings and discussion groups are commonly used tools. The general trend is to involve the public at the earliest stage possible.

### *Defining the public*

There is no legal definition of the public in the legislation for Denmark, Finland and the Netherlands, however the public is generally taken in its widest sense to include all those potentially affected or with interest in the PPP. The same conclusion is drawn from practical experience in Denmark and Finland.

### *Transboundary consultation*

The Netherlands is also the only Member State that has a legal requirement for transboundary consultation within SEA, however the extent of consultation outside of its legislature is the responsibility of the competent authority in the other country. In Denmark, although there are no provisions in this respect, the Government representative interviewed has stated that any comment received from transboundary consultees would be given the same consideration as national consultees and that the relevant national government would be informed.

This remains a rather weak element in the legal overview. It also seems to be a difficult part of the SEA process to monitor and assess, at least to date. Even in those few countries where there is a legal requirement for SEA, there is either very limited reference to the role of the results of the SEA in the decision making process, or no requirement at all.

Once again, only the Netherlands sets a legal requirement for taking the results of the SEA into account in the decision making process. Legislation is limited to a requirement to take account of the impact statement, public opinion and the opinion of official advisers, with no specification as to how and to what extent this should happen.

Denmark can require the results to be taken into account through political process, however this relies heavily on Parliamentary consensus. The mechanisms are the same as for the introduction of alternative and earlier public participation and require either the Minister proposing the PPP or the majority of the Parliament to request the draft plan to take into consideration the result of the SEA. Failing this, the PPP is adopted by Parliament without taking into account the results of the SEA and the opportunity for the integration of environmental considerations is greatly reduced. It is very difficult to go through a legal procedure to change a PPP once adopted by Parliament.

In Finland, only Government guidance sets recommendations regarding taking the results of SEA into account in the implementation of the PPP. The Finnish government is currently undertaking a study to assess the weight given to the results of SEA in transport sector decision making.

### 3.1 INTRODUCTION

This study distinguishes between legal requirements for SEA, non-legally binding SEAs and practice. *Section 2* has reviewed the current coverage of SEA by Member States' legal system. This section looks at non legally binding systems which can exist where there is a recognition of a willingness to apply SEA, despite the absence of a legal requirement.

Finally, *Section 4* will look at those cases where SEA is being applied to transport policy on an *ad hoc* basis, often to develop the methodology and test the assessment process.

In the period before the proposed SEA Directive is adopted, and as the importance of sectoral integration has grown, there had been some expectation amongst experts and practitioners that some Member States might adopt a non legislative approach to SEA. However, of those countries without legal requirements only the United Kingdom has defined a non-legally binding system for SEA that applies to the transport sector. This includes two systems which have been adopted with differing degrees of success. The UK experience is presented in *Box 3.1*.

#### **Box 3.1** *The Non-Legally Binding SEA Regime of the United Kingdom*

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##### **Introduction**

The 1990s have witnessed the development and refinement of a range of Guidance documents for the appraisal of environmental impacts of transport (and other sectors). The most significant documents are reviewed below. Although none of them fits entirely the description of an SEA given in *Box 1.1* above, they show:

- progress towards a more systematic assessment of the environmental implications of transport policies and plans;
- increased emphasis on multi-modality; and
- the Government's intention to consider all aspects of sustainability in a co-ordinated appraisal process, which goes beyond the environment focus.

##### **Policy Appraisal - further developments since 1991**

Government guidance for environmental appraisal of national policies was first introduced in 1991 for all sectors including transport. The system has been revised and simplified following poor consistency in the level of application. The system is now a rather broad brush appraisal with no public participation. Supplementary technical guidance is also to be issued.

The environmental appraisal forms part of an overall appraisal process that is being developed across Government. Guidance on environmental appraisal has been designed to be complementary to other guidance including that issued by the Treasury, the Cabinet Office on regulatory appraisal, and the Department of Health on health appraisal. There would be scope to incorporate environmental appraisal as part of a regulatory appraisal but, at this stage, this is not required or prohibited.

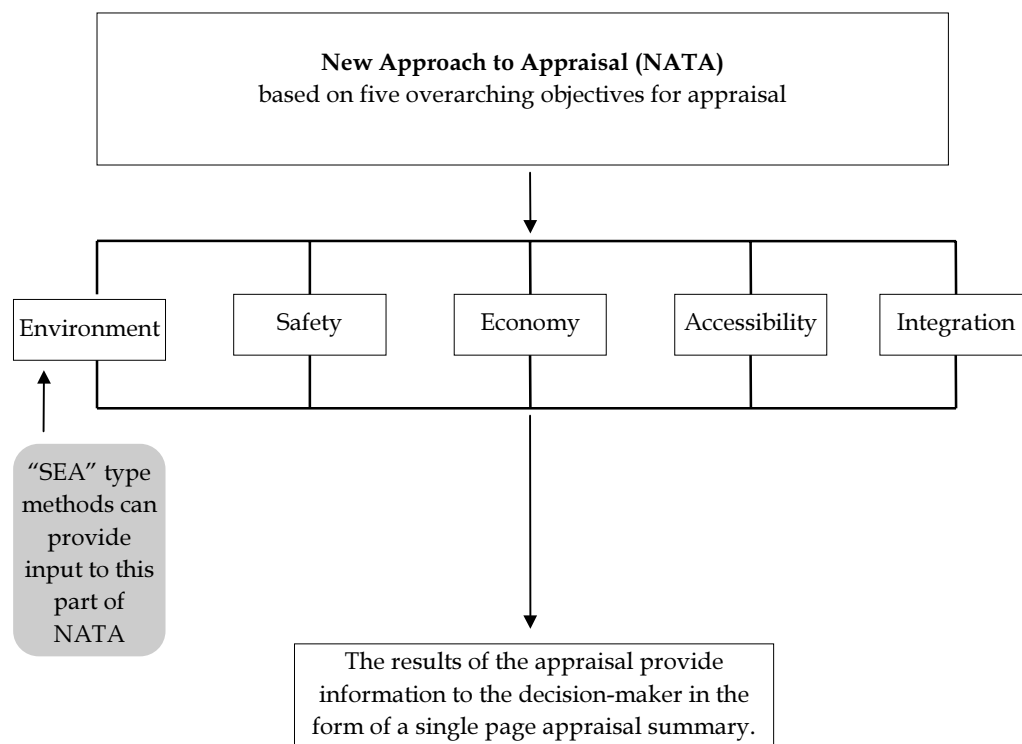
## New Approach to Transport Appraisal in the United Kingdom

In 1998 the Government initiated a review of the main road system in the UK (the Review of the policy document: *Roads to Prosperity*) through a series of multi-modal studies of individual road links. This process is on-going and, together with a new emphasis on regional and local transport strategies, has triggered a number of developments in transport assessment methodologies.

The Government has developed and issued guidance on a new appraisal process set out in '*A New Deal for Trunk Roads in England: Guidance on the New Approach to Appraisal*', known as NATA, and in '*Understanding the New Approach to Appraisal*' (both by DETR, 1998). NATA is primarily concerned with the way in which information generated by existing appraisal techniques is used to inform the decision making process. Originally for highways, NATA has now been developed for application to Multi-Modal corridor and other studies. This appraisal technique will also be modified for use with Local Transport Plans.

NATA requires an appraisal of proposed trunk road schemes against five main criteria: environmental impact; safety; economy; accessibility; and (policy) integration (see Figure below). The aim is to make the appraisal process more transparent by giving decision makers a clear, consistent and reliable basis on which to make their decisions. An important contribution of NATA was also is the emphasis on defining the problem under which needed consideration.

The NATA raised a further difficulty in relation to the UK appraisal mechanisms: existing methods for the assessment of environmental effects and impacts were essentially aimed at project-level decisions. It was therefore difficult to address the "environment" component of NATA at a strategic level. For this reason a new Guidance Manual has been commissioned by DETR (MMEA, see below).



## Guidance Manual for Multi-Modal Environmental Assessment (MMEA)

Work to develop this Guidance is based on two main issues:

- Identify the most appropriate methodology for the SEA of transportation proposals;
- Identify what further work is required to produce a guidance manual for MMEA, taking into account the existing Government manual (DMRB Volume 11, EC Directive 97/11 and the work undertaken on NATA).

The Manual will propose a **ten stage process**, relevant both for the transport network level and the traditional project design process - where they have multi-modal characteristics:

SEA levels:

- Level 1: Commence Regional Transportation Strategy/Regional Planning Guidance Cycle;
- Level 2: Undertake Multi-Modal Studies;

Decision-making process:

- Level 3: Finalise Regional Transportation Strategy/Regional Planning Guidance;

Environmental Assessment:

- Level 4: Evaluation of design and implementation alternatives of transportation measures;

Environmental Assessment and Consent Process:

- Level 5: Selection of preferred transportation measures/implementation programme;
- Level 6: Undertake transportation design, environmental assessment and consent processes;

Decision-making process:

- Level 7: Public Inquiry and announcement;

Environmental Management:

- Level 8: Transportation measure design and tender/implementation process;
- Level 9: Construction/implementation;
- Level 10: Post-project evaluation.

### Applying SEA to Regional Transport Strategies

The multi-modal studies triggered by the 1998 Government review of the road system in the UK (see above) are still on-going and the new methods for appraisal are slowly being applied to these. The assessments are also feeding into the new Transport Regional Strategies which are now being developed throughout England. The Trans-Pennine Corridor Sea which was part-funded by the European Commission is an example of this.

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#### 4.1 HOW WELL ESTABLISHED IS SEA IN RELATION TO THE TRANSPORT SECTOR?

##### 4.1.1 General

Section 2 has reviewed the legal requirements in Member States. However, it is well known that many countries have been applying SEA (in one form or another) on a case by case basis or even regularly, despite not having specific legislation. The aim of this question was to establish how far SEA is actually being carried out in practice.

Table 4.1 presents a summary of trends in SEA practice for the transport sector. The results show that, of the countries without a legislative requirement or a non legally based system for SEA (six have national or regional requirements and one a non-legally based system), four are undertaking pilot studies for transport SEAs, and four are simply not applying SEA to the transport sector. We were not able to obtain information for Greece.

**Table 4.1 Summary Trends in the Practical Application of SEA to Transport**

Countries	SEA practice examples are taking place as pilot studies (ie-mainly methodology) or extended EIAs	There are plans to start carrying out SEA on a more regular basis	When does SEA start based on practical experience?		The match between SEA Practice and the SEA elements described in Box 1.1.
			Before draft PPP	Once draft PPP exists	
Austria	Pilot studies		Yes		Several elements
Belgium					
Brussels	Extended EIAs	Yes	Yes		Some elements
Flanders	Pilot studies	Yes	Yes		Some elements
Wallonia		Yes	Yes		Some elements
Denmark	<b>SEAs based on legal requirement</b>			Yes	Several elements
Finland	<b>SEAs based on legal requirement</b>		Yes		Several elements
France	Pilot studies	Yes			Some elements
Germany					
Ireland	Pilot studies	Yes			Some elements
Italy	Extended EIAs	Yes			Some elements
Luxembourg					
Netherlands	<b>SEAs based on legal requirement</b>	Yes	Yes		<b>Most elements</b>
Portugal					
Spain	Pilot studies (at national level)				Some elements
Sweden	<b>SEAs based on legal requirement</b>	Yes	Yes		Several elements
United Kingdom	SEAs done based on Guidance	Yes	Yes		Several elements

Note: Extended EIAs may include some aspects of the SEA process, limited consideration of the strategic nature of a project or consideration of the cumulative impacts of a project in relation to other projects.

Not unexpectedly, SEA of the transport sector is most firmly established in those countries with a legal requirement. The Netherlands most closely matches the definition of SEA adopted for this study. Denmark and Finland are also close but lack legal requirements for public participation and the consideration of alternatives, although in practice these requirements are met.

#### 4.1.2 *Member States that are not undertaking transport SEAs.*

At present, Luxembourg, Germany, Italy and Portugal are not undertaking SEA in the transport sector, as defined in *Box 1.1*. Luxembourg and Portugal have no plans for further action on SEA in any sector at the moment until the SEA directive is adopted. In Luxembourg there has been strong political opposition to the introduction of SEA since 1991.

**Luxembourg:** The government has been opposed to the introduction of environmental assessment at the strategic level since 1991, when it was decided by cabinet members and senior officials of the administration that representatives from Luxembourg would no longer attend EU meetings on the subject. The reasons behind this decision are not clear but it was felt that the implementation of an SEA-like process would establish a higher level of standing for the Ministry of Environment with authority over the decision making powers of other Ministries. In particular, the then Minister of Public Works, Economic Affairs and Energy strongly opposed the idea.

At the Federal level, Germany has a requirement for environmental risk evaluation of the Federal Traffic Infrastructure Plan, which has some objectives in common with those of an SEA, but it cannot be equated to an SEA. The aim is to provide decision makers with broad level information on the environmental risks of proposed projects with a length of over 10 km to be taken into account with economic and other information.

Italy has taken some steps towards introducing SEA, in particular at the regional level, however these are essentially extended EIAs rather than SEAs. A draft law has been proposed for SEA of plans and programmes relating to public works and infrastructure of national importance and of public interest, which would apply to the transport sector.

It should be noted that although the Flanders region of Belgium is undertaking pilot studies for the transport sector, in the other regions of Wallonia and Brussels there is no application of SEA to the transport sector other than limited requirements through land use planning. However, as mentioned in the *Brussels Region Section of Annex A*, the small size of the Brussels region implies that even a few kilometres of infrastructure can have major strategic importance, especially when they are linked to wider regional or national networks. Therefore some of the project EIAs could be viewed as SEAs.

#### 4.1.3 *Pilot Studies*

In addition to the work done by the four leading countries with an established SEA legal requirement, five other Member States, namely Austria, France, Ireland, Belgium (Flanders region), and the United Kingdom are undertaking pilot studies for SEA in the transport sector. Their work is providing a

valuable contribution to developing SEA methodology for the transport sector. Particularly, the UK, which is at quite an advanced stage and has been applying SEA-type procedures more regularly to land-use plans and subsequently to transport.

**Belgium - Flanders:** The Flanders Mobility Plan, currently in the early stages of formulation, is expected to develop and pilot a new SEA process that follows more closely the requirements of the proposed SEA directive. The proposed plan and SEA will cover both infrastructure and non-infrastructure options, demand management and fiscal mechanisms. The SEA will include a new methodology for public participation and transboundary consultation

**Ireland:** In 1999, proposals for a system of eco-auditing (environmental appraisal) of policies were approved involving introduction and evaluation on a pilot basis of a procedure for the eco-auditing of policies in specific sectoral areas by Government departments and in respect of national development plans. The only eco-audit that has been conducted so far that applies to transport is the National Development Plan 2000-2006 and the Operational Programme for Economic and Social Infrastructure.

**France:** A guidance document is currently being prepared for SEA but this will only provide advice and will not be legally binding or go as far as recommended practice. Two pilot studies have been implemented to look at new approaches to environmental assessment of at earlier stages in the planning process: *Rhône Corridor* and *The North Corridor*.

The Finnish Ministry of Transport noted that the transport sector has led national practice in SEA and it appears that this may be the case in several other countries as well. The work of studies such as the SEA of TENs corridors (in France, Sweden, Italy, UK and Austria) is probably important in creating a driving force within the sector.

In this respect, the experience of Austria represents a possible exception. The only pilot study conducted so far, the Danube Corridor study (1997-2000) was an ad-hoc process resulting from the joint initiative of the Ministry of Transport and the Ministry of Environment and the European Commission. Despite the innovative approach, there is still little recognition of the benefits of SEA within the Government, and little further progress is expected until the SEA Directive is adopted.

## 4.2

### *THE CENTRE STAGES IN AN SEA OF TRANSPORT*

*Table 4.2* summarizes the main stages of SEA identified by interviewees and from government guidance (of the countries with practical experience of SEA, seven gave information on the main stages). Many of the stages listed are considered essential stages in SEA literature, and are partly reflected in the proposed SEA Directive.

The sample analyzed shows that there remains quite a difference in the way an SEA is structured, even between those seven countries which have the most established history of applying SEA to transport. The less common stages include public participation, determination of measures for mitigation of environmental impacts and measures for monitoring the implementation of PPPs.

**Table 4.2 Summary of the main stages in SEA**

Stage in the SEA (not in any order)	Austria (1)	Brussels (2)	Denmark	Finland	France (3)	Netherlands	UK: Policy Appraisal	UK: Multi Modal Studies
Definition of the environmental protection/sustainable development objectives relevant to the PPP	✓			✓		✓	✓	✓
Gathering and organisation of relevant environmental and transport data	✓	✓	✓	✓	✓	✓		
Assessment of the baseline environment and its likely evolution		✓	✓	✓	✓	✓		
Public participation	✓		✓	✓		✓		✓
Definition of alternatives	✓	✓		✓		✓	✓	✓
Evaluation of the likely significant effects on the environment	✓	✓	✓	✓	✓	✓	✓	✓
Determination of measures envisaged to prevent, reduce and/or offset any significant adverse effects on the environment					✓	✓	✓	✓
The decision/recommendations on different alternatives.	✓	✓	✓	✓	✓	✓	✓	✓

See Footnotes 1-3 at the bottom of this page

The most comprehensive list of stages were presented by the Netherlands, Finland and Denmark. These countries are also the ones with the most comprehensive legal system for SEA. Finnish guidance includes suggestions for further stages and considerations within SEA to be set out in the SEA report, including: consideration of obstacles; problems to be overcome in solving environmental problems; attaining targets; and outlining differing views. The list, however, is not prescriptive, reflecting the flexible approach to SEA in Finland.

**Finland:** The guidance states that the assessment report, whether a stand alone report or part of the official PPP documentation, should contain the following:

- key stages of the preparatory work and the assessment, and parties involved
- key environmental characteristics of the task/environmental goals concerning the authorities
- the main obstacles to solving environmental problems/attaining targets
- how the new PPPs relates to and differs from existing and previous PPPs and prior environmental assessment
- preparation process and any factors restricting its scope
- environmental impacts of alternatives
- outline of differing views on perceived type and magnitude of impacts
- basic premises and methods used in the assessment and any limitations or uncertainties
- differing opinions, both resolved and unresolved
- recommendations for taking environmental aspects into consideration in implementing the PPP
- recommendations for monitoring environmental impacts

This list is very useful for SEAs of programmes relating to infrastructure. For other PPPs it is used more as a prompt for ideas and approaches to planning and SEA, although the final outcome of the SEA may be very different from that in the list. This reflects the need to be flexible.

(1) From the Danube Corridor study only. Not to be considered as a representation of future methodologies.

(2) 'Urban SEA' type. A project based assessment of transport infrastructure under land use planning legislation. Due to the small size of the region such projects can have strategic implications.

(3) Proposed in a recent study on SEA methodology commissioned by the Ministry of Environment

Although SEA is a legal requirement for transport authorities in Sweden, no list of stages is specified. The Ministry of Environment stated that the form of SEA is generally dependent of the context within which it is being used and who is conducting the SEA.

### 4.3 *WHEN DOES SEA START?*

It is generally held amongst practitioners and those involved in the development of SEA, that it is beneficial for this assessment process to start as early as possible during the planning stages of a transport PPP. The findings of this survey support this view. Many countries with practical experience begin the SEA process at the early stages of PPP development.

However, the complexity and diversity of the transport planning processes across countries (and between national and regional levels) is such that identifying the right time to begin an SEA can be far from straightforward. This difficulty is compounded by the legal framework within which different planning stages fall. The case study of the TEN high speed link “Zuid” is a clear example of this (see *Box 4.1* below).

The Finnish Ministry of Transport noted the benefits of starting the SEA early in planning process for the PPP. Most SEAs start at the scoping stage, however some have incorporated the screening stage. The majority of Dutch SEAs also start at the scoping phase, but it is likely that SEA at the screening stage will be a more common practice as SEA is developed in the policy field.

**Finland:** In general, the SEA process begins early in the development of the PPP, as experience has shown that this is the best way forward, together with ensuring a close link with the planning process. Most start at least at the scoping phase but some SEAs have incorporated the screening stage. Government guidance states that due consideration should be given to the environmental assessment when drawing up the schedule and funding of the PPP.

**The Netherlands:** SEA normally starts at the scoping phase. It does not apply to the screening phase as the obligation to undertake an SEA is generally clear. It is felt that there will be more scope to introduce SEA at the screening level as the application of SEA in the policy field is developed.

The only example from Austria (Danube Corridor SEA) began when planning was already quite advanced. The experience has confirmed that it would be beneficial to start earlier on in the process and that SEA should follow this as much as possible in a parallel fashion.

The SEA for the revision of the Helsinki Metropolitan Transport System Plan was an integral part of the working programme from the beginning. The SEA was carried out in parallel with the drafting process (see *Section 2, Box 2.1* above).

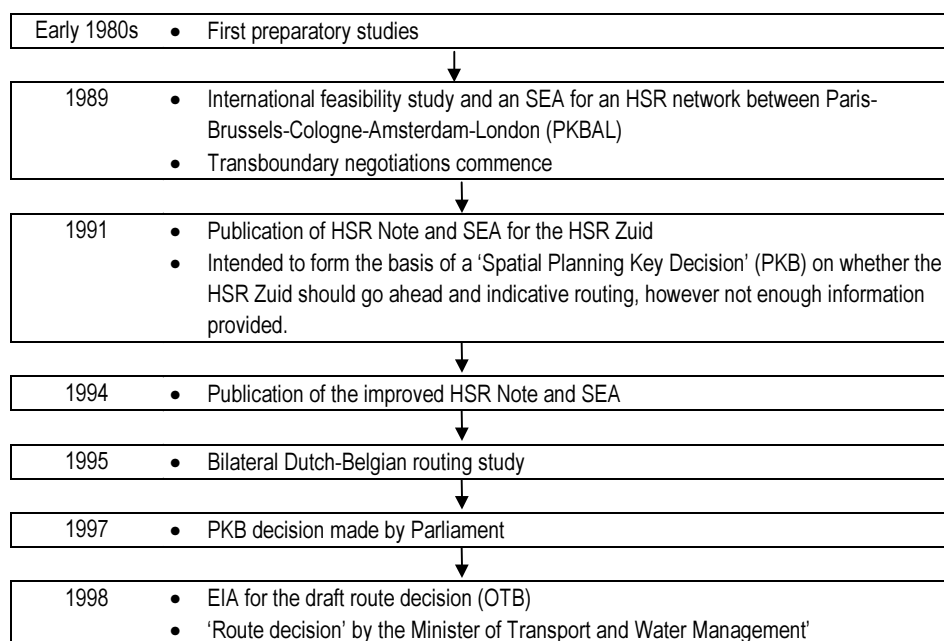
The UK guidance on transport appraisal (NATA) and Multi-Modal Studies also recommend that the assessment process should be started as soon as possible. However, Government guidance for policy appraisal at the national

level states that the timing of the process is dependent on how rapidly the policy is to be developed (see *Section 3, Box 3.1* above).

**Box 4.1**      ***SEA of the High Speed Rail "Zuid"***

The High Speed Rail (HSR) Zuid corridor in the Netherlands forms part of the Trans European Network of High Speed Rail connections. This example of SEA shows the implication of complex and tiered decision-making processes which can be quite common in the transport sector. The case therefore highlights some of the difficulties which must be considered when applying SEA, and strengthens the case for an early planning of the SEA process. It also shows some of the benefits of SEA for subsequent project-EIA(s).

The corridor links Rotterdam and the Belgian Border. The first preparatory studies for the HSR Zuid began in the early 1980s and were followed by several key publications:



The interactions between the different tiers of decision making were a particular problem and relate to the statutory requirements of each in relation to the others.

The first real decision in the process was the Spatial Planning Key Decision (PKB), for which a procedure is specified in physical planning legislation. Key factors to be decided included:

- whether the link was required;
- a choice of the most appropriate form of rail or other mode of transport; and
- the route.

An SEA was required on the basis of national legislation.

The PKB tier was to be followed by the Route Decision process, and it was expected that this would be subject to project level EIA. This has meant that no consideration was given to specific route selection at the higher (earlier) level of the PKB planning, resulting in uncertainties regarding the environmental impacts of the proposal. However, this is often a characteristic of SEAs and this study shows that tiering of the assessment process can deal with such uncertainty.

The SEA of the PKB decision did consider the requirement for the rail link. Two scenarios were considered: part or no part of the European HSR network. The SEA also considered a number of other transport alternatives, including:

- no action;
- high speed trains on conventional railways; and
- realisation of an HSR via a different alignments.

The SEA of the PKB decision provided several benefits to the EIA at the Route Decision tier. Much of the baseline data and many of the methodologies developed in the SEA were used again in the EIA, and both assessments were conducted by the same team of experts. Furthermore, the SEA has involved a large amount of public participation. This was felt to give the PKB decision political legitimacy, and allowed the EIA to concentrate on detailed issues at the local level rather than dwell on strategic issues such as the need for the link.

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Finally, it is worth commenting on the *planned* approach in a country like Italy, which has proposed legislation for SEA and has been looking to apply SEA-type processes at national and regional levels. In Italy plans are subject to two main stages of decision:

- adoption - when a draft plan is assessed, a version is presented to the public for comments, and then is subject to formal agreement, but cannot be implemented;
- approval - when an adopted plan can finally be implemented.

These two stages are relevant to SEA, and it is envisaged that future SEA regimes will most likely apply to the early "adoption" stage, or even before the adoption takes place.

#### 4.3.1

#### *SEA and Other Assessment Procedures and Tools*

The introduction of SEA will clearly affect the way decisions are taken at strategic level. Each country has an established planning and evaluation culture and SEA will need to be fitted within these existing systems. Ideally, it should be integrated in a way which minimises duplication and maximises synergies. In several countries, strategic transport planning has a well established history of technical feasibility studies and cost benefit analysis (CBA), and it is particularly in these areas that there is a need for improved links.

The Finnish experience offers a very interesting example of how SEA can become a leading part of a country's assessment and planning culture. Although the Government has adopted legal requirements for SEA, the specific requirements have been kept to a minimum to promote a flexible approach to the implementation of SEA. It has felt that this has encouraged uptake of SEA and allowed it to be applied to a range of different PPPs which may also be subject to other assessment procedures.

At present in Finland, CBA and SEA vary significantly in the data they use and the way they interpret societal values. For example, for public transport,

CBA focuses on investment data and looks at the costs and benefits of individual propositions. SEA looks at a much broader range of sustainability alternatives which can support public transport. CBA also tends to take place a later stage of planning, since it is dependant on having an idea of the projects and investments proposed. Ways to improve the links between SEA and cost benefit analysis are currently being explored by the Finnish Government.

In the Netherlands there are no formal links between SEA and CBA, however in some cases co-ordination between SEA and CBA has been achieved through the establishment of a single working group. Data and information sharing has also featured in some cases. This may be easier to achieve in the Netherlands since, unlike some other countries, CBA has no formal process and as such there would be fewer institutional barriers to overcome.

In Denmark, SEA is often linked with CBA. A new form of CBA has recently been developed to take into account consideration of environmental costs and benefits.

Such an approach is avoided at present in other Member States. In the United Kingdom, the information from the environmental assessment is presented alongside the results of the CBA, to allow decision makers to compare the results, but does not attempt to put a monetary value on environmental impacts. The methodologies for each are also designed to ensure comparability.

The assessment of the Trans-Pennine Corridor in the United Kingdom was undertaken prior to the development of the NATA and MMEA guidance, however it was based on similar reasoning and was actually influential in shaping such guidance. As such, the assessment provides a good example of a balanced comparison of the results of the SEA and the CBA (see *Box 4.2*)



***The UK Trans-Penning Corridor Study***

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The SEA for the Trans-Pennine Corridor (SEATPC) is one of the five pilot studies initiated by the Commission. A prerequisite of the SEATPC study was the need to undertake an SEA in accordance with the proposed Directive on SEA and the recommendations of both the Common Transport Policy and the Fifth Environmental Action Programme. However, the study also came about as a result of a very real need to develop the corridor, recently strengthened by the need to develop Regional Transport Strategies throughout England.

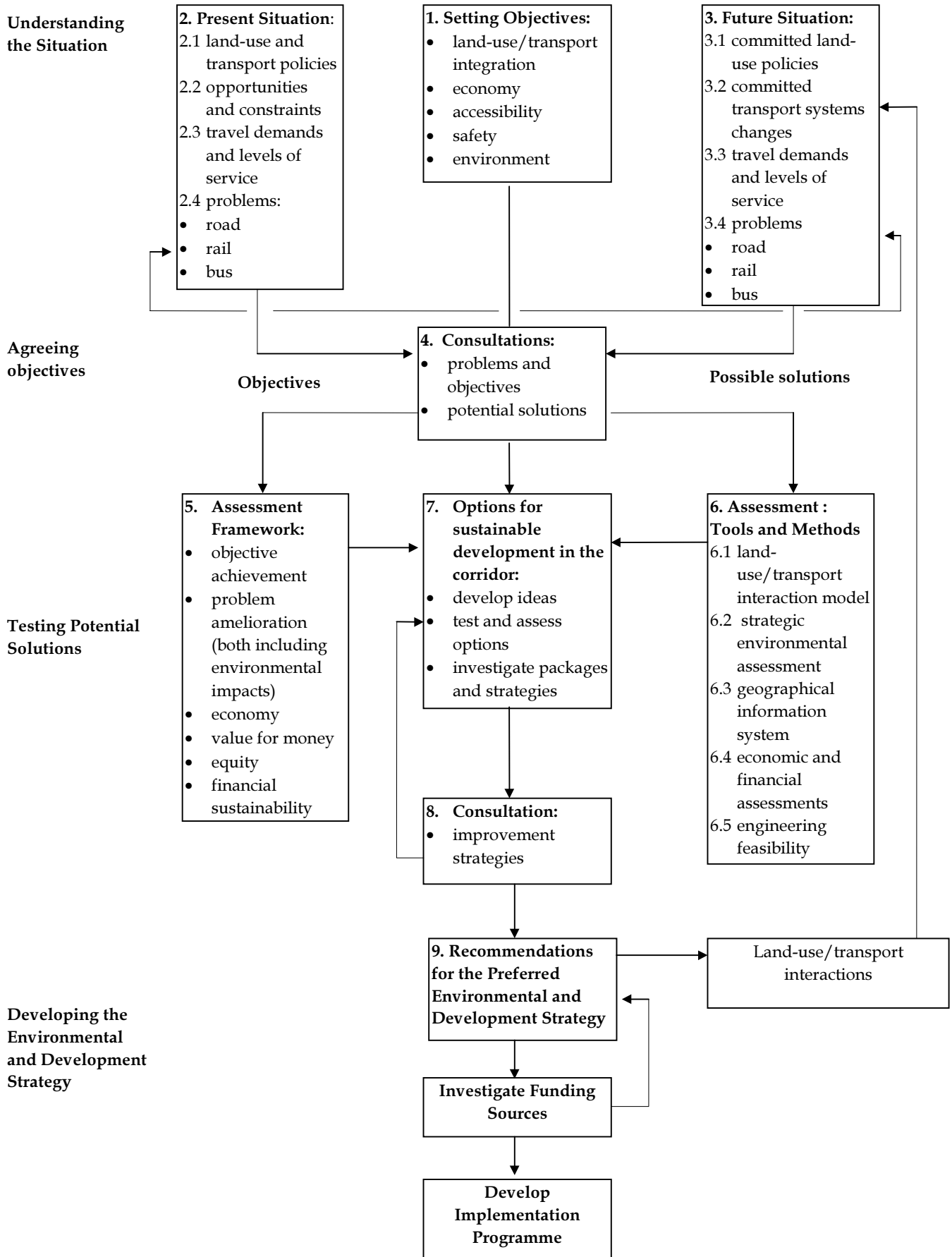
The rationale for the SEA was to ensure that pertinent environmental considerations were taken into account at the earliest possible stage in the decision-making process, in conjunction with other economic and social considerations. This combination of these different considerations is clearly shown in the figure below.

The CBA did not attempt to value any environmental costs or benefits in monetary terms given that there are no established or widely accepted monetary values for environmental impacts for the assessment of transport projects in the UK at present, and in line with the policies of potential funding bodies in the UK (DETR, Highways Agency). The assessment therefore sought to trade off the CBA results against the environmental impacts, based on documented judgements made on the basis of successively summarised and distilled information. The study avoided the use of any quantified weighting and scoring system which imply unsupported monetary valuations between impacts.

The Figure below shows a summary of all the main stages in the assessment of the TPC and their iterations.

Examination of both the SEATPC, and indeed some of the broader initiatives coming out of the UK, provides a useful understanding of how practical examples of SEA can address some of the perceived difficulties in assessing the environmental impacts of corridor-based transport strategies. Much of this experience is applicable to understanding the way in which SEA can be taken forward throughout Member States.

The development of SEA and multi-modal assessment techniques has shown that political support from central government can be forthcoming, especially when integration (and everything that goes with this) forms the central plank of its transport policy. The use of five over-arching objectives for transport developments, including environment, safety, economics and accessibility, shows how technical, EIA and economic issues can all be co-ordinated to provide an overview for decision makers.



## 5.1 THE PRESENT AND FUTURE OBSTACLES TO SEA

## 5.1.1 Lack of expertise or funding

Views on the expertise required for SEA in the transport sector varied between countries. Interestingly several countries that have limited practical experience of SEA did not view a lack of expertise as an obstacle to further development. France, Brussels and Wallonia are of the opinion that experience with environmental assessment of the transport sector at the project level provides a good basis on which to develop expertise for environmental assessment at the strategic level.

This finding is supported by the experience of other countries such as Italy, where the limited application of SEA-type processes has been heavily linked to EIA methods. It is perhaps early days to assess the implications of this type of approach to SEA, however the strict reference to EIA can have negative effects by reducing the emphasis on the positive and constructive dimension of SEA, which also provides best results when tightly linked to planning, especially during the consideration of alternatives.

The Flanders region noted that although they have experience in transport EIAs, current practice does not include public participation. The regional administration intends to build on experience from land use planning to improve practice.

Luxembourg did identify a lack of expertise as a problem, and in fact listed it as the major obstacle in addition to a lack of political will. Significant improvements are needed in the institutional capacity of the Ministry of Environment and the administration for SEA and environmental assessment in general.

**Luxembourg** does not have an EIA centre or training facilities for private and public employees in environmental assessment. Only two or three people across the whole national administration and one individual in the Ministry of Environment are working on EIA-SEA issues and only on a part-time basis.

In contrast, Finland noted lack of expertise as a problem despite the well established SEA system already in place and extensive experience in the transport sector. Methodologies for impact assessment which are not simply an extension of EIA methods, and better links to planning were highlighted as areas for further improvement.

**Finland:** There is a need to develop better methods for SEA. Currently, most methods have been developed for the project level assessment and are not necessarily adequate for strategic level effects. There is a need for methods showing significant and concrete levels of impact, capable of influencing decision-makers. It is also necessary to involve civil servants earlier in the SEA process, so that they can contribute to the choices. Assessment also has to be further linked to planning, especially in terms of land-use. Planners need to learn how SEA connects to their work and should carry out SEA themselves, rather

than use consultants. This is especially true at the local level, where there is very little SEA expertise for local transport plans.

To overcome these problems, the Ministry of Environment has established a network with other Ministries to train administrative staff in SEA practice. In addition, the Finnish Environment Institute is running an SEA training programme, initially provided for a three year period but due to be extended, and will gather and analyse data on the experience gained from application of the government guidelines for review where appropriate.

The UK also identified a lack of knowledge regarding SEA and noted that there is some confusion regarding the difference between SEA and sustainability appraisals.

The use of experienced consultants is common in several countries. Many pilot studies have involved consultants at least in an advisory role. Sweden noted that this is a common practice for the transport sector, where the individuals responsible for SEA in the transport sector may not have environmental training. The development of SEA guidelines for sectoral departments by the Swedish Environmental Protection Agency may improve this situation, however unless consultants work closely with those having SEA responsibilities, there is a danger that progress could be limited. Improving the environmental knowledge of staff within the transport administrations is likely to have additional benefits for environmental integration in the transport sector outside of the framework for SEA.

#### 5.1.2 *Lack of communication/collaboration amongst different parts of the administration.*

Communication and collaboration does not appear to be a problem for those Member States with established SEA practice. Transport and Environment Ministries in Denmark, Finland and the Netherlands are noted to have well established channels of communication. Furthermore, in the Netherlands, the Ministry of Environment and Transport often have joint competence for decision making which is seen to facilitate co-operation.

Ireland has established an Environmental Network of Government Departments. The network will be responsible for the analysis of the pilot studies under the new Eco-Auditing Scheme.

In the United Kingdom, the transport and environment administrations form a single government department, the Department of Environment Transport and the Regions, limiting institutional barriers to communication. Similarly, in the Belgian region of Wallonia, collaboration between environmental and transport administrations is well developed since they come under the same Minister.

In Austria, however the recent merging of the road and rail administrations has created little improvement largely as staff structure and responsibilities has changed little in the merger. Institutional barriers have also been a

particular obstacle to progress SEA in Luxembourg for several years, and could partly explain the political opposition. The Ministry of Environment believe that a high profile pilot study that could demonstrate the benefits of SEA could reduce opposition.

**Luxembourg:** The reasons behind government opposition to SEA are not clear but it was felt that that the implementation of an SEA-like process would establish a higher level of standing for the Ministry of Environment with authority over the decision making powers of other Ministries. In particular, the then Minister of Public Works, Economic Affairs and Energy strongly opposed the idea. There is also a lack of communication between the Environment and Transport Ministries.

**Revision of the Helsinki Metropolitan Transport System Plan:** The SEA was led by a co-ordination group in the Helsinki Metropolitan Area Council. The group was required to work with several other organisations in the course of the SEA and found that the number of different organisations, their different roles, working styles and interests were difficult but not impossible to manage. The Transport System Plan is closely linked to land use planning for the area. The land use plan PKS 2020 was undergoing revision at the same time and the two co-ordination groups co-operated on many aspects of the assessment of both plans. The next revision of both plans will be even more closely co-ordinated including the definition of common alternatives for both plans.

In general, good collaboration and communication is seen as vital to effective implementation of SEA in the transport sector. In Member States where there is no SEA practice at present, SEA itself is seen as a potential driving force for improving communication between the Ministry of Environment and sectoral administrations, including transport. However, it may be necessary to wait until the SEA Directive is transposed into national legislation for this potential to be fully realised.

### 5.1.3

#### *The perception of additional bureaucracy vs an aid to planning and decision-making*

There is a risk that SEA is seen as additional bureaucracy to what are often long and complex political procedures for the development and adoption of PPPs. Many of the countries where SEA is not yet well established identified this as a problem. Of course, this could indicate that once SEA starts becoming common practice, institutions will realise that the burden is less significant than expected.

In Austria, the current perception throughout the administration is very much one of “additional burden”, even though the Danube Corridor pilot SEA demonstrated that the administrative burden is not an issue if the SEA is properly integrated into the planning process.

In the Brussels region, according to the Environment Administration, one of the major obstacles for the development of SEA is the perception that it constitutes added bureaucracy which is time consuming and costly. In the opinion of the environmental administration that view is shared by some parts of the transport administration which it sees as divided on the issue at two levels:

- *the local level*, responsible for the implementation of PPPs subject to SEA, may not see the need or the benefit of SEA and therefore present a future obstacle for the implementation of SEA; and
- *the central level*, responsible for strategic planning, which is supportive of the development of environmental assessment at the strategic level and has been keen to collaborate with the Environment Administration on SEA.

Other Member States see SEA in a more constructive and positive light.

The Danish system firmly places responsibility for transport sector SEA within the Ministry of Transport. The Ministry of Environment believes that this has required a change in approach to transport planning, and has reduced negative perceptions of SEA in the transport sector.

**Denmark:** SEA legislation states that transport SEAs have to be done within the means and structure of the Ministry of Transport. The Ministry cannot create a separate unit and it has to conduct the environmental assessment of its PPP internally. In the opinion of the Ministry of Environment this is seen as a benefit as the transport administration has responded by developing an integrated approach to transport planning. This new approach has helped to overcome any perception within the transport administration of SEA as added bureaucracy.

The SEA of the Trans-Pennine Corridor in the UK was designed specifically with the needs of the decision making process in mind. Tailoring the SEA methodology in line with the requirements of decision makers maximises the efficiency of the process and could help to reduce negative perceptions.

**UK Trans-Pennine Corridor:** The methodology was designed to provide information on the environmental performance of strategy options as required for strategic decision making, specifically in relation to the adoption of a transport strategy. Therefore to meet this need the methodology is rather broad. Assessments of individual impacts do not provide detail at the level of specific locations. This is not appropriate to the SEA or to the data available. It is focused to enable judgement on the performance on strategic options in relation to environmental objectives and to identify potential risks and opportunities that can be addressed at the strategic level or that can be further assessed at later stages in the implementation of the strategy.

#### 5.1.4

#### *Looking ahead*

The most active countries are already addressing some of these problems through research programmes and through practice and lessons learned from past experience, as well as from other countries.

For example, the Finnish Ministry of Environment has established a network with other Ministries to train administrative staff in SEA practice. In addition, the Finnish Environment Institute is running an SEA training programme, initially provided for a three year period but due to be extended.

The development of the Finnish national guidelines, under Section 24 of the Act on Environmental Impact Assessment Procedure, were based on experience gained from trial assessments conducted by various authorities and discussed at a number of seminars and expert meetings. Comments were also sought from all Ministries and relevant authorities and institutions at

central, regional and local level. The guidelines also state that the Finnish Environment Institute will gather and analyse data on the experience gained from application of the guidelines for in reviewing guidelines where appropriate.

## 5.2 *THE BENEFITS*

### 5.2.1 *Clearer understanding of potential environmental effects of transport PPP*

The majority of Member States agree that SEA will provide a clearer understanding of the effects of transport PPPs. According to Sweden, this will provide for a more cost efficient approach to PPP development and implementation by avoiding undesirable decisions and costly opposition processes.

**Revision of the Helsinki Metropolitan Transport System Plan:** The real benefits of the SEA were the provision of more information and data on the environmental impacts of different planning options. It is not clear how far the results of the SEA actually influenced the decision making process, however it is acknowledged that it at least had some positive role. For example, the results of the SEA were used in discussions by several politicians to promote options that support the main objectives of the transport system (the system has a number of objectives, environmental, economic and social). The decision makers and the administrative staff responsible for preparation of the draft plan recognise the process as useful in developing their knowledge of the environmental impacts.

In the Netherlands, systematic application of SEA has provided a means of demonstrating coherence with environmental sustainability objectives.

**The Netherlands:** According to a recent study commissioned by the Ministry of Environment, SEA provides a means of demonstrating coherence, or not, of transport PPP against environmental sustainability objectives at different levels of decision making. SEA has the advantage over EIA that it can assess a wider range of impacts.

Some of the countries where SEA is not an established practice, for example France and Flanders, noted that although they believe that SEA is beneficial in this way, in their case it is too early to say whether this is true in practice.

### 5.2.2 *Simplify the Environmental Impact Assessment process at project level*

SEA is widely recognised by the Member States as a means of simplifying the EIA and overall planning process at project level. Multiple benefits were identified by countries such as Denmark, Finland and the Netherlands.

**Denmark:** Areas where SEA has been noted to help the EIA process include the following:

- the exclusion of some adverse projects at the SEA stage;
- consultation with the public at the stage of transport plan development resulting in greater public support for subsequent projects;
- SEA may simplify the selection of alternatives at the project level by exclusion of the least relevant options at the PPP stage; and
- SEA provides a form of guidance for EIA by providing an initial knowledge base on the potential environmental impacts to be addressed in subsequent project EIAs.

A recent study <sup>(1)</sup> commissioned by the Ministry of Environment, Netherlands, described the exclusion of adverse projects as a ‘funnelling effect’, whereby the rejection of certain strategic alternatives reduces the number of remaining alternatives that can be taken into consideration at later planning stages.

**The Nordic Triangle, Finland:** The SEA highlighted the weak basis for infrastructure proposals and the need for stronger justification from project proponents. It is suggested that this will lead to better design and will encourage innovation and new technology choices for the transport sector.

The Dutch study also identified SEA as means of establishing an environmental planning framework for further decision making. Where the SEA includes the development of environmental action plans, environmental policies or guidance this has been used to identify, monitor and evaluate impacts at the project level.

**UK:** Multi-modal studies (MMSs) result in a number of different options aimed at addressing the problems within each regional study area. Each option consists of a transport plan setting out a collection of specific and individual actions. Some MMSs may lead to the development of over-arching strategies for the study area setting out area-wide policies which could influence the use made of the transport system, such as land-use policies and policies for transport-using sectors, such as health and education. The results of the MMSs will be used by Regional Planning Bodies in developing and reviewing Regional Transport Strategies to feed into Regional Planning Guidance.

The application of SEA in France is expected to increase environmental awareness at the central government level. As a result, the Ministry of Transport knows that all projects, including road building, must be explained in terms of their role in the overall PPP and must take account of a wider range of environmental impacts.

Denmark, however, noted that the benefits of SEA to project level assessment are limited when public discussion is very focused on local issues and a ‘not in my backyard’ NIMBY situation develops. In this case, the public in the area of a development might challenge the basis for the project even when it is supported by the SEA.

### 5.2.3 *Enhancing the transparency and the public support towards the transport PPP*

Some Member States agreed that SEA enhances the transparency and public support towards transport PPPs. Denmark and Finland both identified a demand for discussion of transport issues at the a strategic level. SEA has created the necessary framework for discussion of these issues which might otherwise be disregarded or overlooked.

Denmark noted that public participation within the SEA process has created support both at the strategic level and for subsequent projects. Finland however added a note of caution regarding the level of support that SEA can

(1) Ministry of Housing, Spatial Planning and the Environment (1999) Environment assessments of strategic decisions and project decisions: Interactions and benefits. Nr. 64.



create within the wider public, since the main participants in the SEA process are NGOs.

France also identified problems in creating public support since public interest focuses on the local level. Unlike Finland, there is a lack of NGO activity at the national level and it is felt that this may be an obstacle to the promotion of public interest in strategic decision making, particularly since it will take some time before the benefits of SEA are seen at the project level.

The Netherlands pointed out that the level of public support is dependant on the level of public participation and the degree to which public opinion is taken into account. Most Member States will have had practical experience with public participation in the context of EIA and can therefore draw on this experience. The requirements of public participation within the context of SEA are however different to EIA. Consideration should be given to ensuring that the mechanisms and the means of communication applied are appropriate to the audience.

**Brussels:** Local Transport Initiative - The public found the plan too abstract and widely based to relate to the implications of the proposals put to them. As such they felt they could not participate constructively and therefore had little influence in further development of the plan.

Public involvement remains a concern for some countries. Opposition to SEA from some sides of the Governments in France and the UK is partly due to reticence to include the public in the strategic decision making process - something that would become inevitable if the proposed Directive were to be approved.

**France:** The Ministry of Environment and Ministry of Transport have different expectations and opinions of SEA and PPP formulation. The Ministry of Transport are currently opposed to a public discussion of alternative proposals. They do not feel it is necessary to involve so many stakeholders at this stage and would rather prepare a single option internally before discussion with a wider audience.

Nonetheless, respondents tended to agree that effective management of the public participation process, in particular the need to manage public expectation at each stage, is of paramount importance at this level.



### *Introduction*

Strategic Environmental Assessment (SEA) of transport is becoming increasingly common amongst Member States. The transport sector is characterised by a mixture of “hard” and “soft” development options at the policy and planning levels, and has a direct and immediate impact on people’s lives. As a result, it lends itself particularly well to an SEA process.

The study provides an overview of which countries have legal requirements for SEA of transport policies, plans and programmes, and which countries have practical experience of SEA in the transport sector.

The use of SEA has been developing steadily throughout the 1990s, leading to improvements in the methodology and in the overall process linking SEA to planning and decision-making. A number of obstacles still remain though, and there seems to be a clear division between those countries which have chosen to test this new methodology and have been prepared to develop it to maximise the benefits, and those which are either sceptical or prefer to wait for a European Directive before embarking on SEA. As a result, to date in the EU, concrete progress in the *systematic* application of SEA (with clear consideration of its results by decision-makers) remains quite limited.

The next paragraphs summarise the main issues and conclusions from this report, based on a series of interviews with national representatives from Ministries of the environment and transport.

### *Three broad groups*

The general impression from the results of this survey is that the 14 countries assessed can be divided into three broad groups (see *Section 2*):

- **“established”** - countries which have an established history of SEA of transport supported by legal requirements (Denmark, Finland, Sweden and The Netherlands);
- **“progressing”** - countries which are moving towards systematic SEA of transport PPPs through various routes (pilot studies, proposed national legislation and/or existing regional legislation on SEA, carrying out extended-EIAs which have SEA components) (Flanders, Ireland, Italy, United Kingdom, Spanish regions, and France); and
- **“wait and see”** - countries which have chosen to postpone action until the proposed Directive has been approved (Austria, Brussels and Wallonia, Luxembourg, Portugal, Germany and Spain-national level) .

In the **first group**, even those countries with already well established SEA for the transport sector are working to develop, refine and improve current requirements and practice. For example, the Ministry of Environment in Denmark expects that the use of SEA will increase for transport sector PPPs. In particular regional government is being encouraged to adopt SEA although little has been seen yet for transport planning.

For the Netherlands, policy level SEA is being developed, partly as a response to internal pressure for environmental integration. The need to improve the consideration of non-infrastructure alternatives is also noted.

In the **second group**, countries like the UK are investing heavily in the development of methods and are increasingly applying these to important transport schemes and regional transport strategies. Both the UK and French governments are developing guidance for SEA.

The Italian Government has issued a draft law to introduce SEA that will apply to the transport sector, whilst numerous regional governments have already adopted legislation which calls for SEA.

At least five Member States have adopted a 'wait and see' approach to SEA (**the third group**). As a result, no progress is expected in Spain (at the national level), Austria, Brussels and Wallonia, Luxembourg, Germany and Portugal until required to do so once the proposed SEA Directive is adopted and comes into force. In Luxembourg and Austria it is clear that this is largely due to a lack of political support for SEA and some scepticism over SEA's potential benefits.

These results suggest that, in many countries, the proposed SEA Directive will act as a driver for the application of SEA in all sectors, including transport plans and programmes. However, it is also clear that the less enthusiastic countries will apply only the minimum legal requirements unless the benefits of SEA are fully explained, understood and recognised. Finland's learning-by-doing approach combined with an active policy of raising awareness and responsibility within the relevant administrations, and promoting the benefits gained from a wide application of SEA shows what can be achieved with a more pro-active approach.

It should however be noted that the countries in the "established" group tend to have small government administrations compared to the other Member States and this is likely to have some influence on their ability to progress SEA more quickly.

### *Transport policies, plans and programmes subject to SEA*

The review shows that transport SEAs have been carried out on policies, plans and programmes at national and regional levels. Since there is significant variation in planning and administrative arrangements between Member States SEAs to date have been applied to very different initiatives in different countries. Some countries have focused exclusively on infrastructure

planning, which virtually excludes consideration of strategic transport policy (e.g. taxation and subsidies), while others have extended the analysis to policy documents. In general terms, it can be argued that countries which apply SEA to programmes or plans will tend to assess infrastructure-related strategies, whilst non-infrastructure issues tend to be included in policy documents (or selected plans - depending on the country) which are less subject to SEA at this stage. The increasing focus on regional plans however, may lead to a greater balance since these plans may include policy elements as well as detailed infrastructure development plans.

Most Member States have not given detailed definitions of PPPs within the legislation. Even when there is a definition of PPPs in guidance documents, this will vary across countries making it difficult to compare SEAs.

The principle whereby SEA should start early in the planning process of the PPP is partly linked to the issue of “what PPP” should be subject to SEA (*Section 4.3*). Decision-making processes can be far from linear. Sometimes the plan or programme, which is triggered by a specific legal requirement, will itself be based on a previous decision or on a feasibility study (or similar) of a previous plan, or indeed of a number of related major schemes. Thus, although the general response to the interviews suggests that Member States support the need to start SEA as early as possible, their experience shows that this may be difficult in practice. It also shows that there may be the need for a transition period during which the planning, as well as the assessment cultures, may evolve.

### *“Decentralisation”*

The most significant and influential levels of decision-making and planning for transport have often been at the national, and the local, project levels. Today, SEA of transport appears to be increasingly relevant at the sub-national scale, partly as a result of increasing transport planning powers to the regions. The more recent developments in countries like Italy and Spain, where regional SEA laws are being approved, as well as the United Kingdom and Finland, where SEA is being applied to Regional Transport Strategies and urban transport plans respectively, point to greater decentralisation in favour of these intermediate levels of government and planning.

These developments also point to an increasing link between transport and land-use planning in the legal and policy frameworks of these countries.

### *The level of prescription in SEA legislation*

The review shows important differences between the explicit basic requirements in the existing SEA legislation and what is likely to be needed if the proposed Directive is approved (*Section 2*). For example, only the Dutch legislation mentions the need for public participation and for the consideration of alternatives. Perhaps less surprisingly, none of the legislation reviewed specifically addresses aspects such as the need to consider infrastructure and non-infrastructure issues in looking at

alternatives. However, these issues are sometimes mentioned in Government Guidance documents.

These characteristics in the existing legislation have implications which can partly be seen in the practice of SEA, particularly when analysing the main stages in SEAs of transport initiatives carried out in countries which have the most established history of applying SEA to transport (*Section 4.2*). The study reveals that public participation, the determination of measures for mitigation of environmental impacts, and measures for monitoring the implementation of PPPs, are amongst the least common stages. This can be interpreted as partly reflecting the absence of legal requirement for the same aspects.

### *The practical application of SEA*

Not unexpectedly, SEA of the transport sector is most firmly established in those countries with a legal requirement (The Netherlands, Denmark, Finland and Sweden), although the United Kingdom's Government guidance on strategic appraisal is having an increasing effect in triggering SEA-type initiatives. The practice seen in the Netherlands most closely matches the definition of SEA adopted for this study (*Box 1.1*). Denmark and Finland are also close but lack legal requirements for public participation and the consideration of alternatives, although in practice these requirements are met.

The only countries which appear to have no practical experience of SEA according to our interviews are Luxembourg, Germany and Portugal although Germany has a system for considering environmental issues in PPPs and has done extended EIAs. Countries such as Italy, France, Spain and parts of Belgium are slowly progressing towards SEA-type procedures, and Austria has carried out an SEA of transport, but as a one-off study only.

The interviews have therefore confirmed that the presence of a legal requirement for SEA leads to a greater number of assessments, the adoption of a more complete assessment process, and greater influence of the SEA results in relation to final decisions on the PPP.

### *SEA and Other Types of Assessments*

This topic has two dimensions: on the one hand, there is some confusion between the increasing range of assessment tools and procedures, on the other there is a need to ensure co-ordination and coherence between environmental (SEA), economic, transport feasibility and social evaluations.

Awareness, understanding and practice of SEA have increased in the last ten years. At the same time several other assessment methods and procedures have developed in parallel, partly in response to the "sustainability" challenge linked to the UN Conference in Rio (1992) and to the increasing emphasis on the need to integrate environment into sectoral policies. This has led to some confusion and possible duplication of efforts. The UK for example, is placing increasing emphasis on "sustainability appraisals", various governments have been using "integrated environmental assessment"

and recent regional legislation in Italy refers to “environmental sustainability assessments”.

In terms of linking SEA to other assessments, the review showed that practical application of SEA has tended to include various economic considerations, and to a lesser extent some social aspects of transport PPPs. The Finnish and UK experience are particularly interesting, and show that significant effort is being invested in improving this aspect of SEA-type methodologies.

### ***Obstacles to SEA in the Transport Sector***

A number of obstacles were identified by the interviewees (*Section 5.1*):

- *Lack of expertise:*

There was little agreement on the relevance of lack of expertise as an obstacle to SEA. Countries with a lot of experience felt that this was indeed still a problem and were embarking on research and training programmes, to address the complexities of integrating SEA into planning and ensuring that the results of the assessment are capable of informing and influencing the final decision. On the other hand, countries which had limited or no experience were more inclined to consider EIA expertise as a sufficient base to develop SEA. This could have negative impacts on the way SEA will be applied to PPPs in these countries, for example by limiting the range and nature of alternatives considered.

- *Lack of communication/collaboration:*

This seems to be less of a problem in countries which are carrying out SEAs on a regular basis, and in some cases the SEA process is credited with having contributed to an improvement in communication and collaboration.

- *Additional bureaucracy:*

Undoubtedly, having to adopt and carry out a new assessment process will result in some additional work and procedures which may involve longer timescales. In a limited number of countries this was seen as a major obstacle. However, Member States which have now applied SEA for some years can see the benefits too, including an improved efficiency of the decision-making process where SEA is effectively integrated with existing planning and assessment practices.

### ***Benefits of SEA in the Transport Sector***

The final *Section (5.2)* of the report highlights the benefits associated with SEA of transport, highlighted during the interviews:

- *Understanding strategic environmental impacts:*

SEA will certainly contribute to a clearer understanding of the environmental implications of transport PPPs, but not only this. Countries like Sweden are now realising that SEA provides a more efficient approach to both policy development and implementation, by avoiding sub-optimal decisions and costly opposition processes. SEA can act as a good framework to ensure coherence between transport PPPs and environmental/sustainability objectives.

- *Positive effects on subsequent project-EIAs*

SEAs can lead to the early exclusion of adverse projects, or simply to a ranking of projects which highlights the most sustainable ones. This results in a reduction of the number of strategic alternatives and projects which will need to be considered at subsequent planning stages.

- *Transparency and public participation*

An SEA process will lead to increased transparency and to greater involvement of the public. However, to date the inclusion of full and meaningful participation has been limited. Thus, the benefits tend to be more a reflection of Member States' expectations of future outcomes.



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Annex A

Country Overviews.  
*Full Text of the Answers to the  
Questionnaires*

**A1 AUSTRIA**

**A1.1 LEGAL REQUIREMENTS**

**A1.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)?***

*Please give details (title of Law, year, geographical coverage).*

No and none are drafted as yet.

The EIA Act (1994) only relates to assessment at the project level.

At present PPPs are not systematically subject to an explicit environmental evaluation, although there is legislation in certain sectors such as energy, *transport*, water resources, waste management, land use planning and forestry sectors, that requires PPPs to take environmental aspects into account. An example: the land use planning acts contain environmental goals which have to be taken into account when PPPs are established.

**A1.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?***

There are no specific requirements, but certain project level EIAs have included some elements of an SEA (e.g. for the new high capacity rail line between Vienna and St. Pölten).

**A1.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).***

At present, Austria's strategic transport plans and programmes are developed for the national level. Recent examples include the GVKÖ (Austrian Overall Concept of Transport), the Masterplan in the framework of the Austrian Bundesverkehrswegeplan (Federal Transport Infrastructure Plan) for the development of the high ranked transport infrastructure network, and the NUP (National Environment Plan) which also deals with transport aspects.

At regional and local level transport PPPs are developed, usually on a voluntary basis.

It is envisaged that in the future, when national SEA legislation will have been developed in response to the European Directive, the federal transport infrastructure plan *may* be subject to SEA.

**A1.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

Not Applicable.

[Note that in the EIA Law, §6(1)2, at the project level the developer (or entity responsible for the project) is required to examine alternatives, e.g. for a new rail line or a road proposal].

**A1.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

Not Applicable

**A1.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

Not Applicable

However, it is worth mentioning that in the context of the Central European Initiative (CEI) the Austrian ministries for environment and for transport work well together with experts from CEI countries, especially with Hungary.

**A1.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

Not Applicable

**A1.2** *NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA*

**A1.2.1** *Is an Environmental Assessment of transport policies, plans and/or programmes being carried out even in the absence of legislation?*

Not Applicable

**A1.3** *PRACTICE IN THE MEMBER STATES*

**A1.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

Only one pilot study has been conducted so far: the Danube Corridor study (1997-2000). This was an ad-hoc process resulting from the joint initiative of the Ministry of Transport and the Ministry of Environment, with the support of the European Commission (DG VII/TREN).

To date, a number of government institutions do not see the benefits of SEA. Their reticence is likely to reduce the possibility of promoting its use more widely, at least until the European Directive has been approved.

**A1.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

Austria's experience is still quite limited. The following is an example of stages from the experience of the Danube corridor, however, this should not be considered as a representation of what may be requested in the future:

- Defining sustainability objectives for transportation in the corridor;
- Gathering and organising environmental and traffic related data;
- Stakeholder participation (at various stages);
- Definition of alternative scenarios;
- Assessment of the environmental implications of alternative scenarios;
- Various iterations to refine the assessment and alternatives;
- Final SEA report.

**A1.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

The Danube Corridor study began when planning was already quite advanced. This happened as a result of the timing of the SEA pilot initiative rather than because it was meant to start "late" in the planning process.

Indeed, it was recognised that it would have been better to start the SEA in parallel with the planning, and this would be the aim in the future.

**A1.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

The Danube Corridor study was linked to the evaluation of the Austrian federal transport infrastructure plan. In the framework of this plan, cost-benefit analysis and cost-impact analysis were carried out and linked together with the environmental and sustainability assessment. This was considered a very effective and useful approach.

**A1.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

All the issues below are perceived as problems for the transport sector and for SEA in general in Austria:

- Lack of funding.
- Lack of communication/collaboration amongst different parts of the administration. Until April 2000, responsibility for transport was divided between two ministries, one for road and one for rail with little collaboration or co-operation between the two.

The Ministries have now been merged under the new government, however the staff and departments remain unchanged.

- SEA is perceived as “added bureaucracy” and time consuming.  
Although the Danube Corridor has shown that, if SEA is properly integrated in the planning process, it will not necessarily result in administrative burdens.

At present there is little support for the development and implementation of SEA in any sector and there is little action to overcome these obstacles. It is hoped that the requirement to implement the SEA Directive, once this has been adopted, will provide the necessary driving force for change.

**A1.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

SEA in general is not seen as a benefit at present, other than by a few individuals within the government and environment initiative groups. The focus remains on the perceived obstacles.

**A1.3.7** *Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*

Only one pilot project has been implemented so far, the Danube Corridor.

In April 2000 good co-operation was established with Hungary. As a result, the SEA pilot study of the Danube corridor should be extended to the Hungarian part of the corridor. A Hungarian representative will co-operate with Andreas Käfer (of Trafico) and the consultants who undertook the Austrian study. Further steps - but there is no concrete decision - could be an SEA for urban traffic policy.

## A2 BRUSSELS REGION

### A2.1 LEGAL REQUIREMENTS

#### A2.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details (title of Law, year, geographical coverage).*

The Brussels Region has a requirement which partly reflects an SEA approach to urban and land use planning. In 1992, the existing EIA Ordinance was replaced by two ordinances: an Ordinance for urban and town planning; and an ordinance for environmental permitting.

The Ordinance for urban and town planning requires that some local land use plans (plans at the Commune level within the Brussels region) are subject to an extended EIA, that is similar to an SEA approach.

#### A2.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?*

The requirement for an extended EIA applies to the following:

- road infrastructure of more than four lanes wide;
- bridges and tunnels;
- rail infrastructure of three tracks or more;
- 500 parking spaces or more; and
- offices of more than 50,000m<sup>2</sup>.

The Brussels administration notes that the extended EIA is more accurately an assessment of a transport project than a transport plan. However, due to the small size of the region, it effectively constitutes an SEA. In the rest of this document, we will refer to this as 'urban SEA'.

#### A2.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

The requirement in the 1997 Ordinance refers only to local land-use plans. It does not include, for example, the Transport plan for the Brussels region (the current plan looks at the period 1998-2005).

Once the proposed SEA Directive is approved, this type of plan will be subject to its requirements.

At the level of the Commune, the Communal Plan for Development (PDC) should be submitted to SEA in the future. The PCDs include a chapter on mobility in the Commune. These will include non infrastructure aspects of transport.

**A2.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

According to the 1997 Ordinance, every 'urban SEA' has to consider one or more alternatives to the project or land use plan. Practice has shown that both infrastructure and non-infrastructure alternatives are being considered. For example, the Watarmael-Josaphat (1998-99) case effectively looked at a combination of options for the scheme, including:

- different routes;
- different technical solutions for noise;
- the option of not building the new rail line in favour of demand management and alternative solutions to mobility problems, which required the consideration of integrating all transport modes in operation in the Region.

**A2.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

Yes. The 1997 Ordinance requires a public inquiry to discuss the environmental report. Thus participation occurs once the 'urban SEA' has been completed and its results discussed. It does not take place at the scoping stage of 'urban SEA'.

The public usually includes individuals, NGOs, public bodies.

**A2.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

There is an agreement amongst the Ministries from each Region, which establishes appropriate collaboration mechanisms for transport projects which are likely to have a significant impact in bordering areas.

In these cases, the EIA or "SEA" procedures are carried out in collaboration. Public inquiries take place in each administrative Region affected. An example of this was the TGV link Brussels Midi to Amsterdam.

**A2.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

There is no legal requirement to take the results of the SEA process into account in the decision making process.

However, for projects, a judgement of the Council of State stated that if the Authority does not take a recommendation into account it has to be justified. Moreover, an Authority is morally obliged to refer to the recommendations of an EIA or would face questions from Parliament. It is not clear if this applies to 'urban SEAs'.



**A2.2 NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA**

**A2.2.1** *Is an Environmental Assessment of transport policies, plans and/or programmes being carried out even in the absence of legislation? Please give details of the existing assessment systems (e.g. what are its main stages, are there Guidance documents on how to do the assessment) and describe what happens in your country, with reference to:*

Not applicable.

**A2.3 PRACTICE IN THE MEMBER STATES**

**A2.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

In the transport sector there have only been a few cases of 'urban SEA'. More 'urban SEAs' are expected but the number being undertaken will not increase drastically as they are already being undertaken where required. More SEAs in line with the generic definition are expected for the transport sector once the SEA Directive is approved.

**A2.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

The main stages of an 'urban SEA' transport project under the 1997 Ordinance are:

Description of the elements that can be affected by the project (or Plan)

- Human populations
  - Fauna, flora, green spaces
  - Air
  - Water (groundwater; surface water)
  - Soil
  - Noise
  - Cultural historical and archaeological heritage
  - Energy use
- and especially in Brussels :
- Mobility of inhabitants AND the commuters into Brussels from the surrounding area, and further a field in Belgium.
  - Socio-economical aspects (employment, commercial life, cultural life etc)

Evaluation of potential negative impacts of the project or the land use planning in relation to the existing baseline:

- effects on the population :
  - noise of vehicle traffic;
  - noise of railway traffic;
  - noise of aircraft traffic;
  - noise of building sites;
  - noise of installed equipment (heating, ventilating and air conditioning);
  - noise of neighbourhood activities;

- visual impacts;
- mobility impacts;
- socio-economic impacts
- Effects on the population and on flora and fauna :
  - air pollution;
  - soil and water pollution
- Description of measures to mitigate against these negative impacts:
  - noise and pollution management ;
  - waste management ;
  - roads, pavements and parkings management
    - roads cleaning and traffic management;

Investigation about the comparison of alternatives. Alternatives have to be :

- realistic;
- reasonable;
- suited to solve the problem settled.

**A2.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

There is no strict rule in terms of when 'urban SEA' should start. However, it is generally believed that it should take place at the earliest possible stage: usually scoping.

In the past, 'urban SEAs' have tended to start at different stages in the planning process. For example, the Watarmael-Josaphat (1998-99) case effectively entailed two major initiatives: an 8 km rail extension from Watarmael to Schumann and a tunnel from Schumann to Josaphat.

The rail extension was at a very early planning stage and the SEA started before there was any clear suggestion for a route or specific technical options. The opposite happened for the tunnel initiative, which had a very advanced plan in place.

**A2.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

The Brussels EIA law includes a requirement for a full socio-economic assessment to be carried out as an integral part of the EIA and 'urban SEA'. This should include consideration of mobility issues which are of major importance in the Region.

**A2.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- Lack of expertise or funding, please comment.

At present, this is not considered a major obstacle. Although there has not been a comprehensive consideration of the contents of an SEA of a transport plan, the experience with EIA is seen as a good basis on which to build.

- Lack of communication/collaboration amongst different parts of the administration, please comment.

There are some problems of communication and collaboration. The Ministry of Transport has historically been a very independent institution in relation to decision making regarding transport projects. There has been a positive change recently now good relationships exist between staff with responsibilities for planning and mobility issues. This may lead to SEA of plans in the future

- SEA is perceived as “added bureaucracy” and time consuming, please comment.

Specialists in the subject do not perceive SEA as added bureaucracy. Public administrations, private companies or individuals with involvement in the SEA are also seen to develop a positive attitude towards the implementation of SEA.

- Others, please specify.
- How have these obstacles been overcome or what relevant changes are planned for the future?

No specific plan.

A2.3.6

*Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- Clearer understanding of potential environmental effects of transport PPP, please comment.

Yes.

- Simplify the Environmental Impact Assessment process at project level (EIA), please comment.

Yes. 'urban SEA' is expected to increase the level of coherence between the strategic objectives and plans and individual transport schemes. It is also likely to reduce the complexity of project-EIAs.

- Enhancing the transparency and the public support towards the transport PPP, please comment.

Given the public inquiry mechanism, transparency is already a common feature in planning.

- Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.
- Other, please specify.

A3 **BELGIUM: WALLONIA**

A3.1 **LEGAL REQUIREMENTS**

A3.1.1 ***Do you have legal requirements for SEA at national and/or regional level (if any)?***

***Please give details (title of Law, year, geographical coverage).***

In Wallonia, SEA is required under land use planning legislation (Court Wallone Order De l'mangement du territoire dell'urbanism e patrimon "CWATUP" modification July 1997).

A3.1.2 ***Are there specific requirements (or exclusions) for SEA of the transport sector?***

At present SEA applies to the transport sector only as part of land use planning. An upcoming revision of land use planning legislation will take account of the proposed SEA directive, however the SEA directive will not be incorporated into other sectoral legislation, including that for the transport sector.

A3.1.3 ***Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).***

An extended EIA process has been applied to a ring road development for the selection of alternatives. This is not SEA as defined by the proposed directive.

A3.1.4 ***Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?***

SEA as applied to the transport sector has only covered infrastructure alternatives as part of land use planning. Non infrastructure alternatives have not been considered.

A3.1.5 ***Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).***

The assessment report is produced by an independent expert. It then undergoes a review process before a decision is made. The report is review by independent bodies and is also made available for comment to the general public. At the end of the review process the competent body can decide to request further information.

At present the public are not involved in the screening and the scoping stages but the new Decree Relative Permet d'environnement 11 March 1999 specifies that the developer must consult the public before the report is produced to take account of

local knowledge. The Decree suggests that the developer advertise the opportunity for the public to comment via newspaper or a notice at the city hall.

**A3.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

**A3.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

The results of the SEA report for land use planning have to be taken into account before the decision making process. The decision must include an explanation of why a particular alternative has been chosen.

**A3.2** *NON LEGALLY BINDING*

**A3.3** *PRACTICE IN THE MEMBER STATES*

**A3.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

The application of SEA to transport PPPs in Wallonia is currently limited but more SEAs are expected in light of the proposed SEA directive. SEA in the transport sector is currently limited to a consideration of infrastructure alternatives in land use planning.

**A3.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

**A3.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

At present SEA within land use planning starts at the screening stage but how the methodology will develop in the future is not clear.

**A3.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

So far, environmental assessment has concentrated on technical evaluation, focusing on technical feasibility and cost issues.

**A3.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

Lack of expertise is not perceived as a problem but cost is an issue.

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

Collaboration between environmental and transport administrations is well developed since they come under the same Minister. It is expected that more formal mechanisms will be established in the future as SEA is developed, involving staff with responsibilities for transport, land use and environment.

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

The environment and land use administrations welcome SEA but feel that it is perceived as added bureaucracy by the transport administration.

- **Others, please specify.**

The lack of definition in the proposed SEA directive leaves a lot of flexibility for interpretation by the Member States. This could produce problems in the interpretation of specific requirements.

- **How have these obstacles been overcome or what relevant changes are planned for the future?**

It is still too early to determine what the main problems will be or what the most effective means will be to overcome these.

**A3.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

Normally yes but it depends on how the SEA is conducted, particularly at the scoping stage, and how the results are presented in the report.

- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

Yes, it will lead to a reduction in the number of EIAs and simplify the assessment of environmental impacts by providing initial information.

- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

Yes, it will increase public awareness of strategic planning and increase their understanding of the issues.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

SEA is a tool for progressing sustainable development rather than simply environmental integration.

- **Other, please specify.**

*A3.3.7*

*Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*



## **A4 BELGIUM: FLANDERS**

### **A4.1 LEGAL REQUIREMENTS**

#### **A4.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details (title of Law, year, geographical coverage).***

The Flanders region has no current legislation on SEA of policies, plans and programmes (PPPs). Environmental impacts are considered to some extent in the development of regional plans and programmes in various sectors such as; agriculture, gravel extraction, energy, transport, water resources, waste management, and land-use planning.

A new decree is currently in preparation for the Flanders region that will incorporate a section on the environmental impact assessment of PPPs. This includes a combination on SEA process and EIA methodology to implement the amended EIA directive (1997). The latest draft includes the following steps for the SEA process:

- screening;
- scoping;
- evaluation of environmental effects;
- decision making; and
- monitoring.

The scope of the decree is currently limited to Land Use Plans and Programmes.

#### **A4.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?***

The current application of environmental assessment in land use planning includes aspects of transport infrastructure, however there are no specific requirements or exclusions for the transport sector.

The draft decree applies to land use plans and programmes only. However, transport infrastructure plans and programmes that affect land use will be subject to SEA as a legal requirement.

#### **A4.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).***

Several pilot studies have been conducted for transport infrastructure programmes but are closer to an extended EIA than a full SEA process (see Section 4.3). Another pilot study is the Flanders Mobility Plan which will develop and pilot a new process of SEA closer to the definition specified by the SEA directive.

**A4.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

The draft decree specifies a requirement for the consideration of 'reasonable alternatives'.

**A4.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

Public participation is not mentioned in the latest draft of the new decree. However, it is likely that it will be added during later stages of the preparation process. Areas still undergoing discussion include how and when to involve the public.

**A4.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

**A4.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

**A4.2** *NON-LEGALLY BINDING*

**A4.3** *PRACTICE IN THE MEMBER STATES*

**A4.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

The application of SEA of PPPs is currently limited to the pilot studies. Voluntary SEAs in the transport sector have included :

- development of the high speed train between Antwerp and the Dutch border (Rotterdam line);
- development of the Antwerp to South-East rail track for the transport of goods; and
- the development of a new plan for the regional highway.

However, these studies consider transport infrastructure (rail and road) alternatives only and are more closely aligned to an extended EIA than an SEA. In the first stage of the process, a larger number of alternatives are considered than would normally be considered in an EIA. The preferred option is selected and then undergoes a second more detailed EIA. It is the first stage that is referred to as an

SEA, however the Ministry of Environment recognise that these pilots are more correctly described as extended EIAs.

Public participation in these pilot studies has been generally limited to the licensing stage. The Rotterdam line development included a pilot transboundary consultation process with the Netherlands.

The Flanders Mobility Plan, currently in the early stages of formulation, is expected to develop and pilot a new SEA process that follows more closely the requirements of the proposed SEA directive. The proposed plan and SEA will cover both infrastructure and non-infrastructure options including demand management and fiscal mechanisms. The SEA will include a new methodology for public participation and transboundary consultation

**A4.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

**A4.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

**A4.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

It will be possible for the SEA of the Flanders Mobility Plan to be linked to other assessment techniques such as CBA, however it will be necessary to justify why any other technical assessment will be used. The Flanders Mobility Plan is in its early stages and as such it is not yet clear whether the SEA will be linked to any other form of assessment or how.

**A4.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

The current EIA system in Flanders does not include public participation prior to the decision making stage. As such the administration lacks experience in managing effective and cost efficient public participation programmes, particularly where the wider general public is involved.

The Environmental Administration plans to build on experience of public participation developed in the Land Use Planning unit and the Licensing Authority.

The Federal government has no experience of the SEA process since it is only responsible for military PPPs which are not subject to EIA/SEA, and nuclear PPPs for which there have been no new developments in the last 10-15 years.

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

The environmental administration believes that SEA type process in the transport sector can improve collaboration between staff with environmental and transport responsibilities. The level of collaboration is already very good. The two administrations share the same buildings and work together on a variety of topics, particularly in the case of road infrastructure. In particular the SEA specialist within the environment administration has been invited to join the steering committee responsible for the development of the Flanders Mobility Plan.

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

According to the Environment Administration, one of the major obstacles for the development of SEA is the perception that it constitutes added bureaucracy which is time consuming and costly.

In the opinion of the environmental administration that view is shared by some part of the transport administration which it sees as divided on the issue at two levels:

- the *local level*, responsible for the implementation of PPPs subject to SEA, may not see the need or the benefit of SEA and therefore present a future obstacle for the implementation of SEA; and
- the *central level*, responsible for strategic planning, which is supportive of the development of environmental assessment at the strategic level and has been keen to collaborate with the Environment Administration on SEA.

- **Others, please specify.**

The experience of the Flanders Mobility Plan will provide the regional administration with practical experience of implementing SEA and a clearer view of the potential problems and ways to overcome such problems.

A4.3.6

*Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

The regional administration agrees that in theory SEA should improve the understanding of the environmental effects of transport PPPs, however it is not possible to state whether this is true in practice due to the lack of experience with the implementation of SEA.

- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

The Environmental Administrations sees SEA as a means to streamline the EIA process by reducing the number of transport projects with adverse environmental impacts reaching the planning stage.

- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

It is not yet clear if SEA can improve transparency and public support for transport PPPs. Experience with public consultation as part of Land Use Planning has proved inconclusive so far. The public found the plan too abstract and widely based to relate to the implications of the proposals put to them. As such they felt they could not participate constructively and therefore had little influence in further development of the plan.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

In the opinion of the environment administration, SEA will be a tool for environmental integration rather than contribute towards sustainable development.

- **Other, please specify.**

**A4.3.7** *Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*

The Flanders Mobility Plan, but it will not be ready before next year.



A5.1 LEGAL REQUIREMENTS

A5.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)?*

*Please give details (title of Law, year, geographical coverage).*

The Danish Prime Minister Office Circular no. 159, 16<sup>th</sup> September 1998<sup>1</sup> makes SEA legally binding for national government bills submitted to Parliament that will have a significant environmental impact. The requirement also applies to PPPs which are not subject to a approval by Parliamentary vote but on which the Parliament must be consulted. The requirement for SEA therefore applies to PPPs which are subject to some kind of parliamentary process. As such some government White and Green papers that are not discussed by Parliament do not undergo an SEA. Furthermore there are no legal requirements for environmental assessment of PPPs at the regional and local level although some regions have voluntarily undertaken to apply some element of the SEA process.

Although other legislation in the field of environmental assessment is largely confined to the project level, there are long-standing provisions to take environmental effects into account in the preparation of land use plans and, possibly, some other policies, plans, and programmes as well.

A5.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?*

There are no specific requirements, or exclusions, in Circular no. 159, in relation to the transport sector in Circular no. 159. However, since most infrastructure and non infrastructure PPPs in the transport sector require the approval of Parliament, the Ministry of Environment suggests that the majority of the transport PPPs will be subject to SEA under Circular no. 159.

A5.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

Examples where SEA has been undertaken, even through it is not a legal requirement, include the railroad infrastructure plan prepared by the National Rail Road Infrastructure Authority and the National Transport Plan.

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(1) <sup>1</sup>latest version, the first Prime Minister circular was introduced in 1993.

**A5.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

The Circular has no legal requirement for the consideration of possible infrastructure or non-infrastructure alternatives. Such a requirement can be introduced at a later stage if the *Transport Minister* presenting the PPP to the Parliament, or the *majority of the Parliament* (51% of votes), were to ask for the SEA to include the consideration of relevant alternatives.

When considering the latest common position on the SEA Directive adopted by the European Council, it is noted that the Danish system does not explicitly provide for the identification, description and evaluation of reasonable alternatives. The Danish Ministry of Environment commented that at present the consideration of alternatives is the weakest point of national legalisation for SEA.

**A5.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

There is no legal requirement for public participation at the national level, however the Prime Minister's Office has asked that public participation be included in the SEA of national policy.

According to the Ministry of Environment, mechanisms for public participation in SEA of *plans* and *programme*, including those for the transport sector, are being developed. With regard to national *policy*, including the transport sector, public participation is conducted through two main mechanisms:

- *public hearings* with a number of interest groups including industry representatives, non governmental organisations, unions, academics individual citizens and others; and
- *internet based participation*.

All PPPs intended for parliamentary approval or consultation are published on an official government website, to which comments are invited from the wider public by a specified date. The Ministry of Environment also invites certain stakeholders to comment. The website provides the opportunity for any organisation or single individual to submit a request to be automatically informed of any future SEAs. The Ministry of Environment guarantees that every comment is scrutinised and given careful consideration as part of the SEA process. This applies to the transport sector as well.

The public is defined in the widest sense to mean all groups and individuals, including those which are not directly effected by the PPP.

Public participation begins only after the first draft of the PPP has been completed but before it is presented for consideration to the Parliament. The Ministry of Environment acknowledges that this is a late stage in the SEA process, however the result of public participation can lead to a redrafting of the PPP, for example



enlarging the scope of the SEA. As with the consideration of alternatives, it is possible to increase the level of public involvement in the earlier stages of the process, including screening and scoping, if requested by the Minister presenting the PPP or a majority of the Parliament.

At the *local level*, before a proposal for a regional or municipal plan or amendment to such a plan is prepared, the county or municipal council must solicit ideas, proposals, etc. in preparation for the planning work. This is mainly done through public announcements. The municipal council may also involve the public in the preliminary work on local plans. Furthermore after a county or municipal council adopts a proposed regional, municipal or local plan it must be published, and the public must be given at least 8 weeks to submit their comments and opinions. Finally the adopted plan must be made available to the public.

**A5.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

There are no legal provisions for the SEA of transboundary PPPs and therefore no provision for transboundary consultation in this respect.

In the opinion of the Ministry of the Environment, comments received from foreign governments, organisations and individuals would be given the same consideration granted to national comments. Furthermore if the input were to come directly from private individuals or organisations, the Ministry of Environment would inform the administration of the relevant country.

**A5.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

There are no legislative requirements to ensure that the results of an SEA are taken in to consideration in the decision. The only two mechanisms available are of a political nature and rely heavily on a Parliamentary consensus on the SEA.

The mechanisms are the same for the introduction of alternative and earlier public participation and require either the Minister proposing the PPP or the majority of the Parliament to request the draft plan takes into consideration the result of the SEA.

If neither of these are realised, the PPP is adopted by Parliament without taking into account the results of the SEA and the opportunity for the integration of environmental considerations is greatly reduced. It is very difficult to go through a legal procedure to change a PPP once adopted by Parliament.

**A5.2** *NON-LEGALLY BINDING*

**A5.3 PRACTICE IN THE MEMBER STATES**

**A5.3.1 *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)?  
Do you expect to carry out more SEA in the future?***

SEA of transport PPPs is a regular process at national level, as prescribed by the Prime Minister Office Circular. In future the Ministry of Environment expects that SEA will be used more often.

Central government has asked the regional administrations to introduce SEA as set out in Circular no. 159. At present the fifteen regions have begun to apply SEA in relation to Land Use planning, however regional transport PPPs are not yet undergoing SEA. This is an important point given the responsibility granted to the regions for transport issues, for example road PPPs.

**A5.3.2 *Could you list the main stages of an SEA of transport based on your country's experience?***

The stages of national level SEA include the following:

- screening;
- scoping;
- evaluation of environmental impacts; and
- the decision.

The SEA Guidance document published by the Ministry of the Environment suggests that, in addition to other environmental impacts, the evaluation should concentrate on the following:

- health and security;
- flora and fauna;
- discharges;
- buildings; and
- common heritage.

Furthermore the SEA Guidance document recommends public participation and the consideration of alternatives.

**A5.3.3 *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?***

Usually, before the decision stage.

**A5.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

SEA is often linked with CBA since this is a long standing practice in transport development in Denmark. A form of CBA has been developed to take into consideration environmental costs and benefit.

**A5.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

There are few or no obstacles to SEA mainly because the Prime Minister Circular is quite strong and clear on the importance of the SEA process.

- **Lack of expertise or funding, please comment.**

No

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

No

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

No.

- **Others, please specify.**

The Circular states that the SEA has to be done within the means and structure of the Ministry of Transport. The Ministry cannot create a separate unit and it has to conduct the environmental assessment of its PPP internally.

- **Any other obstacles?**
- **How have these obstacles been overcome or what relevant changes are planned for the future?**

In the opinion of the Ministry of Environment this is seen as a benefit, as the transport administration has responded by developing an integrated approach to transport planning. This new approach has helped to overcome any perception within the transport administration of SEA as added bureaucracy.

**A5.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

Yes

- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

In general, the benefits vary according to the project. However, areas where SEA has been noted to help the EIA process include the following:

- the exclusion of some adverse projects at the SEA stage;
- consultation with the public at the stage of transport plan development resulting in greater public support for subsequent projects;
- SEA may simplify the selection of alternatives at the project level by exclusion of the least relevant options at the PPP stage; and
- SEA provides a form of guidance for EIA by providing an initial knowledge base on the potential environmental impacts to be addressed in subsequent project EIAs.

SEA does not help EIA when the public discussion at the project level is focused on the “not in my backyard” NIMBY issue. It might happen that the public in the area of a development will challenge the basis for the project even when it is supported by the SEA.

- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

Yes. Both through encouraging participation of the general public and through the generation of discussion on issues that might otherwise be disregarded or overlooked.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

Possibly, although this depends on what is meant by sustainable development. SEA will certainly help towards the achievement of objectives for environmental protection.

**Other, please specify.**

A5.3.7

*Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*

A6.1 *LEGAL REQUIREMENTS*A6.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)?*

*Please give details (title of Law, year, geographical coverage).*

The Act on Environmental Impact Assessment Procedure (468/94) (amended in 1999) requires the environmental assessment of PPPs which may give rise to significant environmental impacts. Section 24 stipulates that when an authority prepares a PPP whose implementation is likely to have a significant impact on the environment its impact must be investigated and assessed to the necessary extent.

Section 24 also empowers the Council of State to issue common guidelines for SEA. These were prepared jointly by the Ministry of Environment and the Finnish Environment Institute, and issued in September 1998.

The legislation and the resultant guidelines are to be followed by all government authorities, municipalities and regional councils.

Other legislation:

- The Council of State's decision on committees (218/1988 amended 216/1990) states that committee reports shall include an assessment of social, administrative, economic, environmental and other impacts of each proposal.
- The Decree on the State Budget (1243/1992) requires the Ministry of Finance to issue each year an investigation into the environmental effects of proposed budgets and action plans.
- The Guidelines for drafting of Government proposals (HELO guidelines) issued in 1992 require the assessment of the environmental impact of Government proposals
- The Act on Regulations and Instructions Issued by Authorities (1036/1996) or the 'Norms Act' requires the investigation of environmental and other effects during the preparation of legislative proposals.
- Various sector specific and regional development legislation

A6.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?*

The Act on EIA Procedure sets out general requirements for SEA. The Act applies to a range of PPPs including those concerning transport, but does not set out specific requirements for transport PPPs.

### A6.1.3

*Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

The requirement applies to all PPPs with significant environmental impacts, including financial planning and regional development plans.

There is no specific definition for policy, plan and programme. Finland favours a flexible approach to this issue and to SEA in general, believing that flexibility will actually help to promote SEA more widely. In practice, rather than trying to fit SEA in a tight list of PPPs, Finland adopts the view that everyone should ask themselves whether an SEA is needed, whatever the type or name of initiative being developed.

In addition to fiscal mechanisms, non infrastructure PPPs are also covered. For example, there are Road Maintenance Programmes which focus on traffic safety issues and environmental effects (e.g. groundwater quality) and which are subject to SEA and review of alternatives.

The Ministry of Transport and Communications and the sectoral administrations for road, rail, civil aviation and maritime transport have undertaken a range of SEAs, for example:

- a long term programme for the TEN in the Nordic Triangle (about 5 years ago);
- various budget and action plans;
- Rail Network Infrastructure Programme to 2020 was subject to SEA;
- Transport Policy Guidance, including policy scenarios for sustainable transport;
- National Climate Change Programme - Sectoral Programmes looking at how to reach the Kyoto targets are being subject to a qualitative analysis of environmental implications (e.g. how will different urban structures affect noise patterns?)
- The Public Transport Strategy is being turned into a Programme and will be subject to SEA;
- A pilot programme for transport pricing (conducted with Sweden) is considering the environmental effects of alternatives (it involves stakeholder consultation, rather than wide public participation);
- A Cycling and Walking Programme is currently being designed and is subject to SEA.

Transport planning at the regional and local level is the responsibility of the Regions and the Communities respectively.

### A6.1.4

*Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

No.

The reason for this is that it may be difficult to find alternatives for certain plans and especially for policies, therefore a general legal requirement would not be helpful. Government guidance however specifies that 'the entire process of environmental assessment is based on a comparison of alternatives'. The main message is that one should always try to identify alternatives.

Although not specifically required, modal alternatives and non infrastructure alternatives are often considered in practice. When PPPs are connected to land-use, SEA will tend to look at demand side alternatives. The Transport Policy Guidance looked at demand management scenarios in the long-term, including broad considerations of changes in society and the impact of telecommunications.

**A6.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

No.

Government guidance lists participatory planning and co-operation as one of the tasks of environmental assessment. The public are described as those authorities, interest groups and citizens who:

- are affected by the implementation of the PPP;
- have special expertise in the field concerned; and
- are responsible for the implementation of the PPP.

In practice, the public is generally involved in the SEA process for the transport sector, although the SEA stage at which they are involved varies depending on the nature of the initiative. The trend is to involve the public (industry and NGOs, for example) at the early stage to discuss:

- What is being planned?
- What should be planned - are the options being considered the right ones?
- Are the options "real", reliable?
- What problems are linked to such options?

A similar set of issues were discussed at the early stages of the SEA of Transport Planning Guidance. This approach will often lead to several reiterations, whereby the Government advances on the work after a meeting and will then seek the public views on the progress done (e.g. the Nordic Triangle SEA).

Interviews, hearings, discussion and broadly based participation in preparatory work are listed as means of public participation.

**A6.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

None.

**A6.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

No.

Government Guidance specifies that the documentation of the assessment should include recommendations for taking environmental aspects into consideration in **implementing** the PPP

A study has recently been completed to assess what weight is given to the result of the SEA when deciding the **content** of the PPP in practice. This looked at the SEA for the Helsinki Metropolitan Area Transport System Plan.

**A6.2**            *NON-LEGALLY BINDING*

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**A6.3**            *PRACTICE IN THE MEMBER STATES*

**A6.3.1**        *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)?  
Do you expect to carry out more SEA in the future?*

SEA is an established process and will continue to be so.  
The transport sector was the pioneer in applying SEA to its PPPs.

**A6.3.2**        *Could you list the main stages of an SEA of transport based on your country's experience?*

The legislative requirements for SEA are fairly general. The guidance issued by the Council of State suggests basic elements but the main stages and contents vary depending on a case by case basis.

Environmental assessment tasks listed in Government guidance are:

- planning the assessment approach, formulation of alternatives
- participatory planning and co-operation
- evaluation of impacts
- comparison of alternatives
- assessment report
- monitoring

The guidance states that the assessment report, whether a stand alone report or part of the official PPP documentation, should contain the following:

- key stages of the preparatory work and the assessment, and parties involved
- key environmental characteristics of the task/environmental goals concerning the authorities
- the main obstacles to solving environmental problems/attaining targets
- how the new PPP relates to and differs from existing and previous PPPs and prior environmental assessment
- preparation process and any factors restricting its scope
- environmental impacts of alternatives
- outline of differing views on perceived type and magnitude of impacts
- basic premises and methods used in the assessment and any limitations or uncertainties
- differing opinions, both resolved and unresolved
- recommendations for taking environmental aspects into consideration in implementing the PPP
- recommendations for monitoring environmental impacts



This list is very useful for SEAs of programmes relating to infrastructure. For other PPPs it is used more as a prompt for ideas and approaches to planning and SEA, although the final outcome of the SEA may be very different from that in the list. This reflects the need to be flexible.

**A6.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

In general, the SEA process begins early in the development of the PPP, as experience has shown that this is the best way forward, together with ensuring a close link with the planning process. Most start at least at the scoping phase but some SEAs have incorporated the screening stage.

Government guidance states that due consideration should be given to the environmental assessment when drawing up the schedule and funding of the PPP.

**A6.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

The assessment of PPPs incorporates social and eco-efficiency issues.

The Government is currently exploring methods which will allow to strengthen the links between cost-benefit analysis (CBA) and SEA. The aim is to look at similar alternatives. At present, CBA and SEA vary significantly in the data they use and the way they interpret society. For example, for public transport, CBA focuses on investment data and looks at the costs and benefits of individual propositions. SEA will look at a much broader range of sustainability alternatives which can support public transport.

CBA also tends to take place at later stage of planning, since it is dependant on having an idea of the projects and investments proposed.

**A6.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

Lack of expertise is a problem but not funding.

In particular, there is a need to develop better methods for SEA. Currently, most methods have been developed for the project level assessment and are not necessarily adequate for strategic level effects. There is a need for methods showing significant and concrete levels of impact, capable of influencing decision-makers.

It is also necessary to involve civil servants earlier in the SEA process, so that they can contribute to the choices.

Assessment has to be further linked to planning, especially in terms of land-use. Planners need to learn how SEA connects to their work and should carry out SEA themselves, rather than use consultants. This is especially true at the local level, where there is very little SEA expertise for local transport plans.

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

This is not a problem. The general attitude towards the practice of SEA is positive and the different parts of the administrations work well together.

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

Some individuals are of this view but not in general.

- **How have these obstacles been overcome or what relevant changes are planned for the future?**

The Ministry of Environment has established a network with other Ministries to train administrative staff in SEA practice. In addition, the Finnish Environment Institute is running an SEA training programme, initially provided for a three year period but due to be extended.

The Development of the national guidelines, under Section 24 of the Act on Environmental Impact Assessment Procedure, were based on experience gained from trial assessments conducted by various authorities and discussed at a number of seminars and expert meetings. Comments were also sought from all Ministries and relevant authorities and institutions at central, regional and local level. The guidelines also state that the Finnish Environment Institute will gather and analyse data on the experience gained from application of the guidelines for reviewing guidelines where appropriate.

**A6.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

Yes.

- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

Yes. The introduction of SEA for road PPPs has simplified EIA at the project level. For some EIAs there has been a demand for discussion of the strategic role of the project. SEA has provided a framework for these discussions.

- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

SEA has enhanced the transparency of the PPP making process but it is unclear whether public support has been improved. NGOs are the main public participants in the SEA process. SEA provides a framework within which discussions can take place but it is not clear how this is perceived by the wider public.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

Yes.

- **Other**

SEA an essential part of PPP development.

**A6.3.7** *Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study?*

The Helsinki Metropolitan Area Transport System Plan - see website  
<http://www.ytv.fi/english/traffic/plj1998e.html>

The study also involved the Ministry of Transport and included social assessment.



A7.1 LEGAL REQUIREMENTS

A7.1.1 *Do you have legal requirements for SEA at national and/or regional level?*

The Decree of 12 October 1977 on environmental impact assessment of projects was modified by the Decree of 25 February 1993 to implement the 1985 EIA Directive ( 85/337/CEE). The 1993 Decree introduced a national requirement for appraisal of the environmental impacts of 'programmes' to project EIA. This is not strictly SEA but an extension of project EIA to take account of the cumulative impacts arising from related projects, that together form an operational 'programme'.

The regulation recognises two types of 'programmes' specified in Article 2-5. Firstly, programmes consisting of projects carried out simultaneously. There have been few cases so far but the requirement currently applies when projects are carried under the responsibility of the same developer. The impact study for each individual project consent application must consider not only the individual impacts of that one study but also the synergistic and cumulative impacts of the whole 'programme' of projects.

Secondly, 'programmes' of projects completed sequentially over a period of time. In some cases, implementation of projects may need to be phased over a period of time due to, for example, the availability of funds. This has been the experience with some large transport infrastructure projects. For each separate stage, or project, two documents must be presented with the consent application, an impact study setting out the environmental impacts of the individual project and a separate document setting out an appraisal of the environmental impacts of the whole 'programme'. The latter document presents a more general assessment since it deals with a 'programme' for which certain aspects of design are yet to be determined in detail. It must also include an assessment of the preceding stages and predictions of the impacts of future stages. The assessment of the programme as a whole is updated at each stage to take account of increasing knowledge from completed stages and the results of monitoring from earlier stages where applicable. The 'programme' appraisal must also present the results of any public consultation.

A7.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?*

The 1993 Decree sets out general requirements applicable to all projects with significant environmental impacts, including relevant projects in the transport sector.

A7.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

The 1993 decree relates only to transport infrastructure 'programmes'.

**A7.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

The legislation requires the consideration of alternatives at the project level only, and alternatives in the same mode i.e. road for road.

**A7.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

The decree requires the presentation of the impact appraisal document at the public inquiry stage of the project consent process, not directly in relation to the programme. The public are defined as the local communities in the project area, as specified in the *Law of 12 July 1983* and the *Decree of 23 April 1985*, although other interested parties may take part.

**A7.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

The 1993 Decree requires that the impact study and appraisal be sent to the relevant authority in another country where a project has significant transboundary environmental impacts. It is then the decision of the authority in that country to decide whether the wider transboundary public are consulted or involved in the decision making process.

**A7.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

Yes. The environmental impacts of the individual project and the 'programme as a whole' must be taken into account in the decision as to whether to grant or deny project consent.

**A7.2** *NON-LEGALLY BINDING*

Not applicable

**A7.3** *PRACTICE IN THE MEMBER STATES*

**A7.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

A formal system of SEA is not yet in place in France. Environmental considerations are being integrated into transport plans at the national and urban level, and the need for similar action is recognised at the regional level. Integration is limited to ensuring that the environment is taken into account in the formulation of PPPs and does not extend to full SEA. The development of a national transport policy has involved discussion of environmental criteria and alternatives but again not an SEA.

A guidance document is currently being prepared for SEA but this will only provide advice and will not be legally binding or go as far as recommended practice. Technical documents have been developed for the assessment of transport related environmental impacts but not as part of any SEA methodology.

Two pilot studies have been implemented to look at new approaches to environmental assessment at earlier stages in the planning process, but not to the level of a full SEA:

- *Rhône Corridor.* A major route from the north to the south of France considered three infrastructure alternatives (route and mode). Three scenarios were considered: a 2010 reference scenario; a road scenario; and a railway scenario with combined transport facilities. The road scenario was assessed for a range of environmental impacts but the assessment of the other scenarios was limited to a consideration of air quality.
- *The North Corridor.* A simultaneous study of several proposals for the transport corridor between the Paris area and the north of France. Five environmental issues were assessed: air, water, energy, and land use and pollution.

**A7.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

In a step towards developing a methodology for SEA, the North corridor comparative assessment of each scenario incorporated:

- definition of the environmental profile to describe the sensitivity of the areas and relative importance at the national and regional level;
- a simplified model of the impact of each transport mode to describe their significance and environmental impacts; and
- assessment of the degree of compatibility of each transport mode infrastructure, scale and degree of change from the existing situation.

In 1998 the Ministry of Environment commissioned a study to develop a general methodology for the SEA of infrastructure programmes. The following steps were proposed:

- an analysis of the baseline environment;
- identification of the environmental impacts of the alternatives;
- reasons for the decision including environmental considerations; and
- mitigation measures to prevent and reduce any significant adverse environmental impacts.

**A7.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

**A7.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

**A7.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

No. The experience necessary to develop and implement SEA is available in the Ministry of Environment and Ministry of Transport from more than 25 years experience with project EIA and experience of the Trans-European Network North Corridor study.

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

The Ministry of Environment and Ministry of Transport are working together but have different expectations and opinions of SEA and PPP formulation. The Ministry of Transport are currently opposed to a public discussion of alternative proposals. They do not feel it is necessary to involve so many stakeholders at this stage and would rather prepare a single option internally before discussion with a wider audience.

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

Yes. See above.

- **Others, please specify.**

NGOs are weak at the national level but very active and well organised at the local level. This leads to difficulties when trying to involve public interest in national issues.

- **How have these obstacles been overcome or what relevant changes are planned for the future?**

The strong road lobby in France is felt to delay the political process. It is hoped that the increasing strength of green and left interests will lead to progress.

**A7.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

Yes



- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

This is expected but is not yet clear whether it will be realised. There will be a substantial delay before any such benefits translate down to the project level and in the mean time the disadvantages of poorly planned projects will continue.

- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

The public are most concerned with impacts and benefits at the project level and are less concerned with developments at the PPP level, in particular due to the lack of a strong NGO presence at the national level. As mentioned above, it will take a long time to see an improvement at the project level and therefore to develop public support.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

Yes.

- **Other, please specify.**

SEA will increase environmental awareness at the central government level. For example, the Ministry of Transport is now knows that all projects, including road building, must be explained in terms of the their role in the overall PPP and must take account of a wider range of impacts.



A8 GERMANY

A8.1 LEGAL REQUIREMENTS

A8.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details (title of Law, year, geographical coverage).*

There is currently no legal basis for SEA in Germany. Federal legislation is mainly confined to the project level. However, a requirement to take environmental considerations into account is incorporated into legislation relating to each of the following sectors: agriculture, industry, transport, water resources, waste management, land-use planning, nature protection.

A8.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?*

A8.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

A8.1.4 *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

A8.1.5 *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

A8.1.6 *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

Germany envisage co-operation amongst Member States for the SEA of the Trans-European Networks and that should start at the scoping stage at a minimum.

A8.1.7 *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

## A8.2

### NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA

The Federal Traffic Infrastructure Plan (FTIP) is subject to a comparable assessment to SEA, the environmental risk evaluation. Government methodology is currently being radically revised and will be published later this year.

The evaluation forms part of the overall assessment for all major projects of new construction and development proposed under the FTIP. Other criteria are overall economic impact, town planning and any other significant additional factors. All criteria are given equal weighting in the decision making process.

The assessment does not provide a decision as to whether the project is environmentally acceptable. It provides information about the characteristics of the area and any potential environmental 'conflicts'. It can also lead to a requirement for further investigation or where the conflict is too great can lead to a project being abandoned.

The assessment applies only to those projects with a length greater than 10 km, and for all water development. For projects of less than 10 km the environmental assessment is greatly simplified.

## A8.3

### PRACTICE IN THE MEMBER STATES

#### A8.3.1

*Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

SEA is not an established process. The FTIP is subject to a form of environmental assessment however, this is very project based and does not constitute SEA.

#### A8.3.2

*Could you list the main stages of an SEA of transport based on your country's experience?*

#### A8.3.3

*At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

#### A8.3.4

*Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

Since unification there has been a need to apply strict economic efficiency criteria to traffic infrastructure construction and development measures, under the FTIP. The results of the economic evaluation and the environmental risk evaluation are presented together but neither is given more weighting than the other.

**A8.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- Lack of expertise or funding
- Lack of communication/collaboration amongst different parts of the administration, please comment.
- SEA is perceived as “added bureaucracy” and time consuming, please comment.
- Others, please specify.

**A8.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

**A8.3.7** *Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*



A9 IRELAND

A9.1 LEGAL REQUIREMENTS

A9.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details (title of Law, year, geographical coverage).*

No

A9.2 NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA

A9.2.1 *Is an Environmental Assessment of transport policies, plans and/or programmes being carried out even in the absence of legislation? Please give details of the existing assessment systems (e.g. what are its main stages, are there Guidance documents on how to do the assessment) and describe what happens in your country, with reference to:*

- **The type of transport policies, plans or programmes subject to SEA (please describe these policies etc.);**

In 1999, proposals for a system of of eco-auditing (environmental appraisal) of policies were approved involving:

- introduction on a pilot basis of a procedure for the eco-auditing of policies in specific sectoral areas by Government departments and in respect of national development plans; and
- evaluation of the results of pilot exercise by Departments after one year with a view to wider use of the eco-audit

The system will apply to preparation of new national development plans and to substantial modification of existing policies and legislative proposals for a number of sectors including transport.

The analysis of the pilot exercise will be conducted by an Environmental Network of Government Departments.

- **The consideration of alternatives;**
- **Public participation;**
- **Transboundary consultation;**
- **The inclusion of the Environmental Assessment's results in the decision-making process;**

- **The link, if any, between the Environmental Assessment and other assessments (e.g. CBA).**

There is no link between eco-audit and any other form of assessment such as CBA and or technical assessment.

### A9.3 *PRACTICE IN THE MEMBER STATES*

- A9.3.1 *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

SEA is not a well established process in Ireland. The new eco-auditing scheme marks substantial progress but is still at the pilot stage.

The only eco-audit that has been conducted so far that applies to transport is the National Development Plan 2000-2006 and the Operational Programme for Economic and Social Infrastructure.

- A9.3.2 *Could you list the main stages of an SEA of transport based on your country's experience?*

- A9.3.3 *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

- A9.3.4 *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

There is no link between eco-audit and any other form of assessment such as CBA and or technical assessment.

- A9.3.5 *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

SEA is a new and emerging system in Ireland

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

An Environmental Network of Government Departments will undertake the analysis of the results of the pilot studies.



- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

Adding complexity and time to the already very difficult, lengthy and uncertain processes

- **Others, please specify.**

Uncertainty regarding methodology in particular:

- the level at which the assessment should be carried out (bearing in mind the distinction between SEA and EIA)
  - the type and extent of data required for the assessment
  - how the finding should be evaluated in the context of the final decision
- **How have these obstacles been overcome or what relevant changes are planned for the future?**

#### **A9.3.6**

*Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**
- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**
- **Enhancing the transparency and the public support towards the transport PPP, please comment.**
- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**
- **Other, please specify.**

Whilst theoretically there should be benefits in all the areas above, there can be no assumption that this will be the case.



## A10.1 LEGAL REQUIREMENTS

A10.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)?*

*Please give details (title of Law, year, geographical coverage).*

**NATIONAL**

No statutory form of SEA exists at the national level in Italy, existing EIA legislation is confined to certain project categories.

There is a proposed draft law (Disegno di Legge C5100) which aims to amend all legislation on EIA and includes a requirement for SEA of plans and programmes relating to public works and infrastructure of national importance and of public interest. Although this does not explicitly include transport, it is definitely expected to apply to the transport sector once approved.

Article 2 of Act 349/86 enables the Minister of the Environment to be involved in sectoral planning to ensure that there is some form of environmental consideration in the planning process for a number of different sectors which are likely to have an impact on the environment, including transport. Indeed, the Ministry was recently involved in the development of the National Transport Plan. However, this practice does not amount to an assessment or indeed an SEA.

**REGIONAL**

A small number of regions have incorporated some provisions for the environmental assessment of certain PPPs within their regional EIA Law.

- Friuli Venezia Giulia Region has legislation dating from 1990 (L.R. settembre 1990, n.43) requiring consideration of possible environmental effects in relation to certain new legislation. The law requires that proposed legislation is presented with an environmental statement regarding the likely environmental effects of its implementation.
- The Liguria Region adopted EIA legislation in 1998 (L.R. 30 dicembre 1998, n.38) which includes a requirement for “environmental sustainability assessment” of regional planning and programming instruments in the area of waste, water resources, noise, and air quality, as well as urban land-use plans which have a strong transport element.
- Tuscany’s Regional Law (L.R. 3 November 1998, no.79) refers to EIA of plans and programmes. It refers to a previous law (L.R. 1995, no.5) for the detailed description of how such assessments should be carried out, with particular reference to land-use plans.
- The Basilicata Region included SEA for land-use plans and urban plans in its EIA law (L.R. 19 dicembre 1994, n.47). This included the Regional Plan for Transport and Mobility. However, the legislation was subsequently changed (L.R. 14 dicembre 1998, n.47) and the SEA requirement was withdrawn due to difficulties in applying it.

Some land-use planning laws require SEA-type approaches (e.g. Tuscany L.R. 18 January 1995 n. 5). There are two draft laws under consideration, one designed for the national level and the other addressed to the regions, which propose formally extending environmental assessment to plans and programmes in the sectors covered by Directive 85/337/EEC.

**A10.1.2** *Are there specific requirements (or exclusions) for SEA of the transport sector?*

Not applicable.

**A10.1.3** *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

In terms of strategic transport plans and programmes, in Italy the norm is to have plans. These are considered as a more detailed type of document than a programme, so that the hierarchy is: policy, programmes and plans, followed by individual projects.

However, it is also clear that in the majority of cases, the main transport documents which are likely to be subject to SEA in the future will be national and regional transport plans. Application to policies is less clear at this stage.

In Italy plans are subject to two main stages of decision:

- adoption - when a draft plan is assessed, a version is presented to the public for comments, and then is subject to formal agreement, but cannot be implemented;
- approval - when an adopted plan can finally be implemented.

These two stages are relevant for SEA, since it is envisaged that future SEA regimes will most likely apply to the early "adoption" stage, or even before the adoption takes place.

**A10.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

Not Applicable.

In the future, this is expected to be a key aspect of SEA and one which will require major effort and consideration in terms of methodology and general cultural approach to planning and evaluation. At present it is very difficult to see how the concept of alternatives at such strategic planning level can be put into practice, and what shape these alternatives should take.

**A10.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

Not Applicable

**A10.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

Not Applicable

Currently, some of the requirements of the Espoo Convention are being applied to a selected number of EIAs (but not specifically to transport). This is adding transparency, although it is still very much at the early stages and improvements are needed in terms of better co-ordination of the consultation initiatives. It is expected that, once SEA legislation is in place, Espoo's requirements will be particularly relevant to SEAs in the transport sector.

**A10.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

Not Applicable

**A10.2** **NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA**

**A10.2.1** *Is an Environmental Assessment of transport policies, plans and/or programmes being carried out even in the absence of legislation? Please give details of the existing assessment systems (e.g. what are its main stages, are there Guidance documents on how to do the assessment) and describe what happens in your country, with reference to:*

**a) the type of transport policies, plans or programmes subject to SEA (please describe these policies etc.);**

Not applicable.

**b) the consideration of alternatives;**

Not applicable.

**c) public participation;**

Not applicable.

**d) transboundary consultation;**

Not applicable.

e) **the inclusion of the Environmental Assessment's results in the decision-making process;**

Not applicable.

f) **the link, if any, between the Environmental Assessment and other assessments (e.g. CBA).**

Not applicable.

### **A10.3 PRACTICE IN THE MEMBER STATES**

**A10.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)?  
Do you expect to carry out more SEA in the future?*

No. At present SEA is not being carried out for transport plans and programmes in Italy. There have been some attempts to address the cumulative impacts of large transport infrastructure projects.

But these are essentially considered extended EIAs rather than SEAs. They do not present the characteristics of SEA as described in this study, particularly in terms of the scale and nature of the plans and the alternatives considered, which are essentially technical, for mitigation and for choice of location, rather than strategic.

**A10.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

Not applicable.

**A10.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

Not applicable.

**A10.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

Not applicable.

**A10.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- Lack of expertise or funding, please comment.

-

- Lack of communication/collaboration amongst different parts of the administration, please comment.

- 
- SEA is perceived as “added bureaucracy” and time consuming, please comment.

- 
- Others, please specify.

**A10.3.6** *How have these obstacles been overcome or what relevant changes are planned for the future?*

Not applicable.

**A10.3.7** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?.*

Not applicable.

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

- 
- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

- 
- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

- 
- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

**Other, please specify.**

**A10.3.8** *Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*

Not applicable.





**A11 LUXEMBOURG**

**A11.1 LEGAL REQUIREMENTS**

**A11.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details (title of Law, year, geographical coverage).***

There is no legal requirement for SEA in Luxembourg. The government has been opposed to the introduction of environmental assessment at the strategic level since 1991, when it was decided by cabinet members and senior officials of the administration that representatives from Luxembourg would no longer attend EU meetings on the subject.

The reasons behind this decision are not clear but it was felt that the implementation of an SEA-like process would establish a higher level of standing for the Ministry of Environment with authority over the decision making powers of other Ministries. In particular, the then Minister of Public Works, Economic Affairs and Energy strongly opposed the idea.

The fact that there were no available personnel to develop SEA also influenced the decision. At present only one individual in the Ministry of Environment has responsibility for EIA and SEA matters, amongst other duties.

The Ministry of Environment believe that opposition to the development of SEA will continue until the SEA directive is adopted.

The only example of a broad SEA process is in the latest plan of the Ministry of Physical Planning "*Programme Directeur de l'aménagement du territoire*". The first draft of the programme was approved last year and a final drafting is expected to be adopted next year. The programme will be a legally binding framework for land use planning at national, sectoral and regional plan levels.

The framework incorporates broad guidelines for SEA of plans and programmes arising from the programme. The provisions for environmental assessment are very general and are not defined specifically as SEA, however some elements of SEA are included.

**A11.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?***

The framework programme applies to all sectoral plans and would therefore require SEA of transport sector plans.

**A11.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).***

**A11.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

The SEA type procedure set out in the planned "Programme Directeur de l'aménagement du territoire" includes an analysis of different scenarios and alternatives (including a zero option)

**A11.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

The planned "Programme Directeur de l'aménagement du territoire" foresees public involvement at the regional level during the implementation of regional and sectoral plans and programmes. This would take place only after the plan has been drafted and would not include the screening, scoping and monitoring phases of environmental assessment.

Furthermore the public will be asked to comment on the totality of the plans implemented under the framework programme. In the case of transport plans that means that the public will be asked to comment on social and economic issues in addition to the environmental assessment.

**A11.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

Transboundary consultation at the government level does occur, but any such meetings are not open to the public.

**A11.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

**A11.2** *NON-LEGALLY BINDING SYSTEMS OR REQUIREMENT FOR SEA*

**A11.3** *PRACTICE IN THE MEMBER STATES*

**A11.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

SEA is not currently practised in Luxembourg and practice is unlikely to progress until the SEA directive is adopted and implemented. The "Programme Directeur de l'aménagement du territoire" will encourage the use of some form of environmental assessment, but at present this is not a full SEA.

**A11.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

The main stages of environmental assessment as set out in the planned "Programme Directeur de l'aménagement du territoire" are:

- analysis of the state of the environment;
- analysis of the different scenarios and alternatives (including option zero);
- consideration of the effects of the plan on the environment; and
- monitoring (foreseen at the sector and regional levels).

**A11.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

The environmental assessment as set out in "Programme Directeur de l'aménagement du territoire" is planned to start before the decision making stage, however, the proponent authority can decide to start earlier.

**A11.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

The planned "Programme Directeur de l'aménagement du territoire" does not provide for links to other types of assessment.

**A11.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

In addition to a lack of political will, the major obstacle perceived by the Ministry of Environment to the development of SEA in Luxembourg is the lack of expertise. Luxembourg does not have an EIA centre or training facilities for private and public employees in environmental assessment. Only two or three people across the whole national administration are working on EIA-SEA issues and only on a part-time basis.

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

The lack of communication between the Environment and the Transport Ministries is also a barrier to the implementation of SEA in the transport sector.

- **SEA is perceived as "added bureaucracy" and time consuming, please comment.**

In the opinion of the Ministry of Environment, there is a general perception that EIA and SEA are "added bureaucracy" that will only delay the approval of PPPs.

- **Others, please specify.**

The lack of political will is the largest barrier to developing a comprehensive system of environmental assessment in Luxembourg.

- **How have these obstacles been overcome or what relevant changes are planned for the future?**

The Ministry of Environment believes that if a high profile pilot case such as the recent airfield development plans were to trial SEA the benefits, especially in terms of public support for the final plan, could be demonstrated to those that currently oppose SEA.

**A11.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**
- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

The Ministry of Environment believes that SEA will simplify the EIA procedure by providing an early opportunity to deal with issues that are normally impossible to change at the EIA level, such as alternatives, or the zero option, and a better understanding of cumulative impacts.

- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

The Ministry of Environment believes that there is a possibility the government will adopt SEA as a result of increasing public pressure following several plans and programmes, including transport PPs, that have had considerable negative environmental impacts.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

The Ministry of Environment believes that SEA does contribute to the goal of sustainable development. The former government adopted a strategic plan for Sustainable Development which specified that all programmes and projects should be subject to an environmental assessment such as EIA/SEA. However, the current government has so far failed to carry out this and other actions specified within the plan. For example, it has not yet convened the National Council for Sustainable Development.

**A12 NETHERLANDS**

**A12.1 LEGAL REQUIREMENTS**

**A12.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)?***

***Please give details (title of Law, year, geographical coverage).***

Under the Environmental Protection Act 1979 and the EIA Decree 1994, certain plans are subject to SEA procedure. In addition, a mandatory environmental test was introduced in 1995, for all policy and plan initiatives that require a Cabinet decision and that might have significant environmental effects, but do not require a mandatory Strategic Environmental Assessment under the EIA Decree. This is not however a full SEA.

**A12.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?***

The EIA Decree applies to a number of sectors including transport, but there are no specific requirements for this sector. Transport is also addressed within land use planning, which is one of the sectors subject to mandatory SEA.

**A12.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).***

Transport plans subject to SEA have mainly included transport infrastructure. Within land use planning, transport issues can include demand management.

**A12.1.4 *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?***

The legislation requires the consideration of reasonable alternatives including a 'most environmentally sound option' that goes as far as possible in protecting the environment. In the case of transport, the consideration of alternatives can consider demand management as an alternative to infrastructure. A zero option, ie no action alternative, is also considered in some cases.

**A12.1.5 *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).***

Public participation is required at several points in the SEA process:

- scoping stage;
- consideration of alternatives; and
- review of the impact statement and the draft plan.

There is no definition of 'the public' in the legislation, however, the term is generally interpreted in its broadest sense.

The legislation requires that the opportunity for public participation is announced formally via newspapers. Responses can be received by letter or there is an opportunity to put forward formal comments at an obligatory public hearing. Less formal techniques are also practised, for example participation evenings and exhibitions.

**A12.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

Transboundary consultation is required. The Netherlands have implemented the requirements of the ESPOO Convention. However, the responsible authority in the other country will determine the extent of consultation with the wider transboundary public.

**A12.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

Yes, however it is limited to a requirement to take account of the impact statement, public opinion and the opinion of official advisers, with no specification as to how and to what extent this should happen.

**A12.2** *NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA*

**A12.3** *PRACTICE IN THE MEMBER STATES*

**A12.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?*

SEA is a well established, regular and mandatory process in the Netherlands for plans, and to a lesser extent programmes. For policy, the process is less well established or clearly defined. However, SEA at the policy level is being developed for the future in response to internal pressure for environmental integration and future requirements of the proposed SEA directive.

For the transport sector, most studies have focused on corridor studies, looking at the alternatives for different modes of travel. More strategic analysis of transport beyond modal options has proved more difficult at this point.

**A12.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

The main stages of SEA in general, and for the transport sector are:

- outline of the plan;
- current state of the environment and its evolution;
- environmental characteristics of the areas likely to be affected;
- environmental protection objectives of the plan;
- significant effects on the environment;
- measures envisaged to prevent, reduce and offset potential adverse effects;
- outline of the reasons for selection of alternatives;
- measures for monitoring; and
- non-technical summary.

**A12.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

SEA normally starts at the scoping phase. It does not apply to the screening phase as the obligation to undertake an SEA is generally clear. It is felt that there will be more scope to introduce SEA at the screening level as the application of SEA in the policy field is developed.

**A12.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

SEA is sometimes linked to other types of technical evaluation. In well organised assessments SEA and CBA may be led by a single working group and use the same data and information. There is no formal linkage between the two. CBA has no formal process and is usually undertaken for larger scale plans only.

**A12.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

No. Expertise in the area of transport SEA is well established. Funding is also not a problem.

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

No. Different department and Ministries work well together and have well established channels of communication. Furthermore, the Ministry of Transport and

the Ministry of Environment often have joint competence for decision making, which facilitates official co-operation.

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

Possibly. SEA does require additional resources and time and the value of the quantity of information that is produced is not always clear. However, SEA is a well established and well accepted process.

- **Others, please specify.**

No.

- **How have these obstacles been overcome or what relevant changes are planned for the future?**

In order to improve the SEA process, to focus on the main issues and present the most relevant information, the government has provided additional guidance and manuals to improve the scoping of impacts and is looking to gain a clearer view of the requirements of competent bodies in their decision making. However, it is felt that the public are still looking for even more information, especially in relation their own particular areas of interest and concern.

It is hoped that implementation of the SEA directive will also improve the SEA process.

#### **A12.3.6**

*Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?.*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

Yes. According to a recent study commissioned by the Ministry of Environment, SEA provides a means of demonstrating coherence, or not, of transport PPP against environmental sustainability objectives at different levels of decision making. SEA has the advantage over EIA that it can assess a wider range of impacts.

- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

Yes, in principle, but this is not always the case. This depends on the clarity of the decisions at the strategic level and whether these expressed in a tangible manner or are easily translated to the project level. Sometimes details or aspects of strategic decisions are deferred to a later stage.

A recent study commissioned by the Ministry of Environment identified some of the following benefits:

- funnelling effect: discarding many alternatives at a strategic level and thereby streamlining the EIA process;



- providing an environmental planning framework against which effects of decisions at the project level can be identified, monitored and evaluated; and
  - provision of information and experience, to give project EIA a 'head start' compared to a no-SEA situation.
- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

Yes. The application of SEA has increased public support, although the extent is dependent on the level of public participation and the level to which public opinion is taken into account in the final decision.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

Yes, this should be the case, however it is difficult to know exactly what is meant by the term. There are opportunities for SEA of transport to contribute, but transport related goals are required to measure this contribution. The specification of environmental targets in the SVV 11 provides a means of understanding the improvements that are being made. It is still difficult to translate national goals to the local level.

- **Other, please specify.**

In the same way, SEA of transport has contributed to environmental goals.



**A13**                    **PORTUGAL**

**A13.1**                    **LEGAL REQUIREMENTS**

**A13.1.1**                ***Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details.***

There is currently no legal requirement for SEA in Portugal. The existing environmental assessment legislation is confined to projects. Elements of environmental evaluation are incorporated into regional and local land use planning, the preparation of a national energy plan and a national system for industrial waste management, but not of transport plans.

Some limited elements of SEA are incorporated into the investment programmes submitted to the EU for Structural Funds support, but these do not cover all the stages and information which is required under the proposed Directive.

No legal or administrative provisions for SEA are envisaged in the near future. Portugal expects to implement the proposed Directive once it is approved, and it will aim to apply SEA to transport plans and programmes at national and regional levels only. It does not expect to apply SEA to policies and to local plans.

**A13.1.2**                ***Are there specific requirements or exclusions for the transport sector?***

Not applicable

**A13.1.3**                ***Does the SEA requirement for transport relate to policy, plan and programme? Please give a brief description of transport policy, plan and programme in your country.***

There is no SEA requirement for the transport sector.

In Portugal:

- Plans are strategic documents which provide an overview of the future for all modes: road, rail, air and sea ports; and
- Programmes are based on the Plans and provide greater detail about the implementation of specific measures for each transport mode.

**A13.1.4**                ***Does the legislation specifically require the consideration of alternatives to the proposed PPP?***

Not applicable.

**A13.1.5**                ***Is there a requirement for public participation during SEA?***

According to the *Public Participation and Public Interest Action Act of 31 August 1995* confers a right upon the public to participate in administrative planning procedures. The law requires a public hearing where public administrative entities

adopt: plans on the development of the activities of the public administration, urbanisation plans and spatial plans that have an impact on the environment or on the economic and social conditions and on the population or aggregate population within a certain national territory.

The instructing authority must respond in writing to the public's comments and must justify the decision taken.

**How is the public defined (individual citizens, NGOs, public bodies, etc.)?**

The *Environmental Non-Government Organisations Act of 18 July 1998* confers on environmental NGOs the right to participate in: (1) the definition of policy and basic legislative trends in the field of the environment; (2) plans and projects related to environmental policy, including projects for the management and conservation in the field of forestry, agriculture and hunting; (3) sectoral plans with effects on the environment. and (4) regional, municipal and sector specific spatial planning laws, and urban planning instruments.

**A13.1.6** *What are the legal provisions for SEAs relating to transboundary transport policy, plan and programme (if any)?*

Not applicable

**A13.1.7** *Is there a legal requirement to take the results of the SEA process into account in the decision making process? Please specify how.*

Not applicable.

**A13.2** **NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA**

**A13.3** **PRACTICE IN THE MEMBER STATES**

**A13.3.1** *Is SEA of transport policies, plans and programmes (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in a few cases (pilot study level)? Do you aspect to carry out more SEAs in the future?*

Not applicable.

**A13.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

**A13.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation, decision making, monitoring)?*

Not applicable.

**A13.3.4** *Is SEA of transport policy, plan and programme linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

Not applicable.

**A13.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment**
- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

In recent years the Ministry of Environment has been discussing the possibility of carrying out selected SEAs with the Ministry of Land Use. However, the proposals were not successful and the general view of the Ministry of Land Use is that there will be no SEA until the relevant legislation has been put in place.

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**
- **Others, please specify.**
- **How have these obstacles been overcome or what relevant changes are planned for the future?**

The Ministry of Environment is hoping that the approval of the proposed Directive will trigger new legislation in Portugal and, as mentioned above, it expects national and regional transport plans and programmes to be subject to future SEA requirements.

**A13.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

Not applicable.

**A13.3.7** *Can you suggest an example of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*

Not applicable.



A14.1 LEGAL REQUIREMENTS

A14.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)?*

*Please give details (title of Law, year, geographical coverage).*

*National Level*

There is no legal requirement for SEA at the national level. The national government is waiting for adoption of the SEA directive before taking any action.

*Regional Level*

Seven of the seventeen autonomous regions have made statutory provisions for the environmental assessment of certain plans, and programmes. The sectors covered include land-use planning (5 regions), waste management (3 regions), agriculture (2 regions), transport, industry, energy, tourism (1 region) also forestry, nature conservation, mineral resource management and infrastructure.

In the rest of this document we will make detailed references to the legislation in the Region of Castilla y León (CyL). Its Decreto 209/1995 (5 October 1995), which implements the EIA law (Ley 8/1994), makes specific reference to SEA of plans and programmes (especially those relating to infrastructure) in Articles 4 and 40.

A14.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?*

*National level*

Not applicable

*Regional Level*

Several regional administrations have statutory requirements for the SEA of plans and programmes related to the transport sector.

The Decreto 209/1995 of CyL explicitly requires an SEA of transport development plans and programmes for which the Regional Government has direct competence. It also requires SEA of multi-sectoral sub-regional plans, which will certainly include a transport dimension.

A14.1.3 *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

*Regional Level*

Regional legislation seems to refer mainly to plans and programmes (this is the case in CyL for example).

**A14.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

Regional Level

The Decreto 209/1995 of CyL does not mention alternatives.

**A14.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

Regional Level

Article 42 of the Decreto 209/1995 of CyL refers to the need to inform the public. It calls for the proponent to present the Environmental Statement together with the Plan or Programme to the public. Preferably, this should happen within the standard procedure for a plan or programme's approval, if this includes the involvement of the public. Otherwise, the Statement is made available to the public for a period of 30 days.

The administration which is promoting the plan or programme will then present, to the Environmental Authorities, the Statement and the results of the public participation process, together with an assessment of the comments received and the changes to the plan or programme that they have triggered.

**A14.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

Regional Level

No specific reference in the CyL legislation.

**A14.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

Regional Level

The CyL legislation states that the administration which is promoting the plan or programme will then present to the Environmental Authorities the Statement and the results of the public participation process, together with an assessment of the comments received and the changes to the plan or programme which they have triggered. However, this is not strictly the same as requesting explicitly that results are taken into account.



**A14.2**            **NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA**

**A14.2.1**        ***Is an Environmental Assessment of transport policies, plans and/or programmes being carried out even in the absence of legislation? Please give details of the existing assessment systems (e.g. what are its main stages, are there Guidance documents on how to do the assessment) and describe what happens in your country, with reference to:***

Not applicable

**A14.3**            **PRACTICE IN THE MEMBER STATES**

**A14.3.1**        ***Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)? Do you expect to carry out more SEA in the future?***

SEA of transport plans and programme is being introduced by several regional administrations in Spain. The main focus of work in this area has been the development of SEA methodologies and some pilot studies.

The Ministry of Environment has developed an SEA methodology for linear infrastructure (road, rails, and others), applied in a pilot assessment of the regional roads plan of the Comunidad de Madrid.

The Ministry of Public Works recently launched a study that included the development of methodological tools for SEA of plans and programmes for national roads.

Another example is the Environmental Assessment of the Long-Term Master Plan of the Port of Barcelona conducted on a voluntary basis by the Port Authority and the Ministry of Environment.

Overall, there are few examples of the application of SEA in Spain and problems of reliability and consistency have yet to be resolved. It is felt that the methodologies applied so far require further development and that it will take some time for the administration to adapt to using a new methodology.

The Ministry of Environment feels that little work will be undertaken in this area at the national level until the SEA directive is finalised and adopted. Until that time the national government is adopting a wait and see approach.

**A14.3.2**        ***Could you list the main stages of an SEA of transport based on your country's experience?***

Not applicable

**A14.3.3**        ***At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?***

Not applicable

A14.3.4 *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

Regional Level

In CyL it is expected that SEA will be included in a multi-criteria analysis.

A14.3.5 *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**  
In CyL the problem is both a lack of expertise and of experience in this type of evaluation. Progress is slowly being achieved as a result of the conclusions of previous pilot studies.
- **Lack of communication/collaboration amongst different parts of the administration, please comment.**
- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**  
In CyL this may be a problem.
- **Others, please specify.**
- **How have these obstacles been overcome or what relevant changes are planned for the future?**

A14.3.6 *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**  
CyL: SEA can contribute to the identification of potential environmental impacts, and this can provide information for the definition and consideration of alternatives.
- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**  
CyL: SEA is not expected to simplify the EIA process. Indeed, some EIAs will have some characteristics of SEAs.
- **Enhancing the transparency and the public support towards the transport PPP, please comment.**  
CyL: Clearly, where there will be a process of public participation, this will contribute to making decisions on alternatives for transport more transparent.
- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

- Other, please specify.

*A14.3.7 Can you suggest examples of good practice in SEA and transport in your own country which we could follow up as a case study? (preferably at national and regional level)*



**A15.1**      **LEGAL REQUIREMENTS****A15.1.1**      ***Do you have legal requirements for SEA at national and/or regional level (if any)? Please give details (title of Law, year, geographical coverage).***

There is no specific legislation for SEA in Sweden.

Under the provisions of the National Resources Management Act, and related other legislation and regulations, some environmental assessment requirements apply to the following situations: certain Forestry Board measures, local municipality energy plans, national and regional road plans, certain local land-use plans.

In relation to municipal planning, legal requirements for a form of SEA have been in force since 1996, by an amendment of the Planning and Building Act 1987. Municipalities have the exclusive right to plan for their land and water areas (referred to as 'the municipal planning monopoly'). The *Planning and Building Act 1987* requires all municipalities to prepare and periodically update 'comprehensive plans', covering the whole land and water area of the municipality. These comprehensive plans indicate the main ways in which land and water areas in the municipality's area are to be utilised and how physical development shall take place. The plans are not legally binding on authorities or individuals, but they do provide guidance for more detailed planning, future development and the granting of permits, in the plan area. Each comprehensive plan must cover a number of general interests (including environmental) but also, specifically, the environmental factors that should be taken into consideration in decisions concerning the use of land and water areas.

When the PBA was amended in 1996, requirements for impact assessment in comprehensive planning were introduced. These impact assessments include not only environmental, but also economic and social impacts (thus, SEA can be seen as one part of a wider impact assessment process).

Comprehensive plans are followed by detailed development plans. The Planning and Building Act also requires a form of strategic environmental assessment in the preparation and adoption of these plans, if the plan permits the use of land, buildings or other installations which have a considerable impact on the environment, public health or the management of natural resources. In the preparation of detailed development plans, a site's suitability for development and the control of the design of the built environment must be examined.

**A15.1.2**      ***Are there specific requirements (or exclusions) for SEA of the transport sector?***

The requirements for land use planning are general and apply to the transport sector, as far as transport has land use implications.

At the national level, requirements to carry out environmental assessment in long-term transport infrastructure planning were introduced in 1996, for the plan period 1998 – 2007. The transport authorities are required by government ordinance to

include an assessment of effects on the environment as well as other impacts, including health.

**A15.1.3** *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

According to the requirements of government ordinance the national road and railway administrations have prepared a national roads and a national railway infrastructure plan for 1998-2007, and the regional (county) administrations prepared plans for regional transport infrastructure. Both the national administrations undertook an environmental assessment following non-binding guidelines produced by the Swedish Environmental Protection Agency.

**A15.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

There is no requirement for the consideration of alternatives.

**A15.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

At the municipal level, public participation is an integral part of land use planning. One of the aims of the current system is to allow for greater public participation in matters of local concern, which is of great importance in the Swedish political system. The environmental assessment, as a part of the plan, is also subject to public participation.

The Planning and Building Act does not specify any detailed requirements on the procedure to be followed and therefore many municipalities have developed their own approaches, but most involve extensive consultation and a range of tools to involve the public. The public are involved at two main stages. Firstly during the development of the first draft and secondly a more formal phase limited to written submissions on the draft plan.

At the national level there are no requirements for public consultation or participation and none is undertaken in practice.

**A15.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

There are no legal provisions for transboundary consultation although Sweden is a signatory of the ESPOO Convention.

**A15.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

There is no explicit requirement to take account of the results when reaching a decision. In practice, the results of the environmental assessment are included throughout the plan rather than as a separate chapter of the report.

**A15.2** *NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA*

**A15.3** *PRACTICE IN THE MEMBER STATES*

**A15.3.1** *Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)?*

SEA of transport, and SEA in general, are developing processes. In the past it has been rather ad-hoc but it is being applied more systematically now and will be used more extensively in the future. How this will be legislated for is not clear at present.

**A15.3.2** *Could you list the main stages of an SEA of transport based on your country's experience?*

The form of environmental assessment is generally dependant on the context within which it is being used.

**A15.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

The assessment generally begins at the programming stage, which is equivalent to a scoping phase.

**A15.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

There is no provision for linking to other assessments, however, in the case of the transport sector the environmental assessment usually goes hand in hand with the financial assessment.

**A15.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of funding and expertise.**

This is not a major problem. For the transport sector, where the individuals responsible for the SEA may not have environmental training, the SEA is often conducted by consultants.

- **Lack of communication/collaboration amongst different parts of the administration,**

The Swedish Environmental Protection Agency are drawing up guidelines for SEA for sectoral government departments.

At the county level, the responsible department for transport is also the environmental authority.

- **SEA is perceived as “added bureaucracy” and time consuming.**

No

- **Other**

The consideration of alternatives, especially a zero option, is a new approach for planning at the strategic level.

**A15.3.6** *Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?*

- **Clearer understanding of potential environmental effects of transport PPP.**

Yes, this has not been considered before.

- **Simplify the Environmental Impact Assessment at project level**

SEA provides the opportunity to see in advance if there could be potential problems and to identify solutions before the project level.

- **Enhancing the transparency and the public support towards the transport PPP**

Yes, SEA gains public support and understanding at an early stage in the process.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development.**

Yes.

- **Other**

SEA provides for a more cost efficient approach to PPP development and implementation by avoiding undesirable decisions and costly opposition processes.



## A16.1 LEGAL REQUIREMENTS

A16.1.1 *Do you have legal requirements for SEA at national and/or regional level (if any)?*

*Please give details (title of Law, year, geographical coverage).*

There is no legal requirement for SEA of PPPs at the national level. Government guidance for environmental appraisal of policy has been available since 1991, but has not been applied consistently (see below).

In the land-use planning sector, environmental assessment of development plans is required by the *Town and Country Planning (England) (Development Plan) Regulations 1999 (SI 1999 No 3280)* ('the 1999 Regulations') and further detailed in government planning policy guidance notes (PPG 12: Development Plans - updated in December 1999). Development plans include structure plans prepared by the county planning authority (which are strategic plans intended to co-ordinate national and regional policies) and local plans prepared by the district planning authority (which are intended to refine the structure plan policies and tie them down to specific locations), as well as unitary development plans in respect of London boroughs, metropolitan and unitary authorities. Although not legal requirements, PPG and other government guidance are to be adopted by the Secretary of State and are therefore viewed in the same light as legal requirements. Local planning authorities are, therefore, 'expected' to follow planning policy guidance.

A16.1.2 *Are there specific requirements (or exclusions) for SEA of the transport sector?*

Thus far, the requirement for environmental assessment of land use development plans applies to the transport sector in as much as it has land use implications. Government guidance includes specific requirements to take account of transport infrastructure and other transport related issues.

New arrangements for land use planning require the establishment of Regional Planning Guidance (required by PPG 11 Regional Planning). These set the framework for future development plans. These include the preparation of Regional Transport Strategies (RTSs) to provide a framework for transport policies and proposals to be included in the relevant developments plans of the region. The formulation of RTSs has taken into account the results of multimodal studies arising from the Government's recent review of the national trunk road network <sup>(2)</sup>

The roads review applied the New Approach to Appraisal (NATA) which will be applied to any future trunk road improvements.

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(2) DETR (1998) A New Deal For Trunk Roads in England

**A16.1.3** *Does the SEA requirement for transport relate to policies, plans and/or programmes? Please give a brief description of transport policy, plan and programme in your country (e.g. what issues do they cover: infrastructure corridors, urban transport, multimodal masterplans...; do they focus on infrastructure only, or do they also deal with fiscal mechanisms? etc.).*

Environmental assessment, as specified in the Town and Country Planning Regulations, applies to development plans at the local and regional level.

The 1990 Planning Act requires development plans to cover policies on the management of traffic and overall development of the transport network.

**A16.1.4** *Does the legislation specifically require the consideration of alternatives to the proposed policy, plan or programme? Do you consider both infrastructure and non-infrastructure alternatives?*

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**A16.1.5** *Is there a requirement for public participation during the SEA? Please give details about when participation is to take place, in which way, and how you define the public (individual citizens, NGOs, public bodies, others).*

-

**A16.1.6** *What are the legal provisions for transboundary consultation (if any)? Do they include the public?*

None

**A16.1.7** *Is there a legal requirement to take the result of the SEA process into account in the decision making process? Please specify how this should happen.*

The Town and Country Regulations specify that planning authorities must 'have regard to' environmental considerations in formulating their general policies in a plan. PPG 12 also gives limited guidance on this aspect.

**A16.2** **NON-LEGALLY BINDING SYSTEMS OR REQUIREMENTS FOR SEA**

**A16.2.1** *Is an Environmental Assessment of transport policies, plans and/or programmes being carried out even in the absence of legislation? Please give details of the existing assessment systems (e.g. what are its main stages, are there Guidance documents on how to do the assessment) and describe what happens in your country, with reference to:*

### *Policy Appraisal*

Government guidance for environmental appraisal of national policies was first published in 1991 but has not been applied consistently. The guidance has been revised and simplified recently. This applies to PPPs in all sectors including the transport sector. The latest version is 'Policy Appraisal and the Environment' (1998). This will be followed in future by technical guidance for policy makers.

### *NATA*

The government has also issued new guidance on the appraisal of trunk roads 'Guidance on the New Approach to Appraisal' <sup>(3)</sup> (NATA). NATA requires an appraisal of proposed trunk road schemes against five main criteria: environmental impact; safety; economy; accessibility; and (policy) integration. The aim is to make the appraisal process more transparent by giving decision-makers a clear, consistent and reliable basis on which to found their decisions.

An Appraisal Summary Table is prepared for each scheme, this is a one page summary of the impacts against each criteria. The information presents the net effect of the scheme on each of the criteria compared to a no-action scenario. The impacts are expressed qualitatively, quantitatively and as a summary assessment (using either monetary values, a quantitative indicator or textual ranking). The Table gives equal prominence to environmental and economic impacts.

### *Multi-modal studies*

The Roads Review proposed a series of studies to address problems on the strategic trunk road network not addressed in the Targeted Programme of Improvements. Some of these studies are to be multi-modal studies in which consideration is given to all problems and solutions affecting all modes of travel. Multi-modal studies MMSs result in a number of different options aimed at addressing the problems within each regional study area. Each option consists of a transport plan setting out a collection of specific and individual actions. Some MMSs may lead to the development of over-arching strategies for the study area setting out area-wide policies which could influence the use made of the transport system, such as land-use policies and policies for transport-using sectors, such as health and education. The results of the MMSs will be used by Regional Planning Bodies in developing and reviewing Regional Transport Strategies to feed into Regional Planning Guidance.

The Government has issued guidance on MMSs in line with the NATA <sup>(4)</sup>. Like NATA the guidance specifies that the results of the appraisal should be set out in Appraisal Summary Tables against the five main criteria for transport. Later this year the Government will issue a report of SEA of multi-modal studies.

### *Development Plan Appraisal*

At the county and local level, transport will be subject to environmental assessment in as far as it has implications for land use planning. Government guidance on development plan preparation is set out in *Planning Policy Guidance 12* ('PPG 12'), updated in December 1999. Although not legal requirements, PPG and other government guidance are to be adopted by the Secretary of State and are therefore viewed in the same light as legal requirements. Local planning authorities are therefore 'expected' to follow planning policy guidance.

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(3) DETR (1998) Guidance on the New Approach to Appraisal.

(4) DETR (May 2000) Guidance on the Methodology for Multi-Modal Studies

**a) the type of transport policies, plans or programmes subject to SEA  
(please describe these policies etc.);**

*Policy Appraisal*

National guidance includes the following definitions that also apply to the transport sector:

- policy: the Government's strategic objectives in a particular area and framework for deciding programmes and policies; and
- programme: a set of related activities giving effect to policies.

No definition of plan is given, however, land use planning guidance refers to policies and programmes included within land use plans. Environmental appraisal should be conducted for all policies with significant environmental impacts.

*NATA*

The NATA was applied to the 1998 Roads Review and led to the development of a targeted programme of investments for the next seven years. The NATA will be applied to all new trunk road investment proposals. Further work will be undertaken to develop the NATA too, so that it can be applied to all forms of transport as well as multi-modal studies.

*Multi-Modal Studies*

Seventeen MMSs are being conducted as a result of the 1998 Roads Review and will feed into Regional Transport Strategies and Regional Planning Guidance. Many have been completed however others have not been finished in time for the Regional Planning Guidance and will therefore input into RPG supplements and directly influence local authority development plans.

*Appraisal of Development Plans*

For the land use planning sector, government guidance includes specific expectations to take account of transport infrastructure and other transport related issues e.g. mobility and demand management in development plans.

**b) the consideration of alternatives;**

At the national level, environmental appraisal should include consideration of a range of options. No comment is made on the type of alternatives to be included.

For land use planning, PPG 12 states that alternative policies, proposals and locations should be evaluated wherever possible. PPG 12 includes recommendations for the use of multi-modal appraisal in the assessment of options.

MMSs also include consideration of alternatives and where appropriate non-infrastructure alternatives.

**c) public participation;**

Government guidance on policy appraisal at the national level only goes as far as noting to consider whether to publish the environmental appraisal, or, where there is

consultation about the policy proposal itself, there may be an opportunity to consult about possible environmental impacts.

For land use planning at the regional and local level, PPG 12 requires that at key stages in development plan preparation the appraisal of the plan should be subject to public consultation, with the responses to consultation then used to inform the next stage of plan preparation. It only suggests key stages (e.g. deposit of the plan, revision of the plan) and does not specify what should be carried out.

For MMSs, the guidance states that it is important that the public should be engaged in the study process, however it is for the individual Steering Groups, who understand the local circumstances and history, to decide when and how to involve the public, on advice from their consultants if appropriate.

**d) transboundary consultation;**

No.

**d) the inclusion of the Environmental Assessment's results in the decision-making process;**

For land use planning, according to PPG12, the final version of a development plan should not include the full environmental appraisal within it, but it should be clear from the reasoned justification/explanatory memorandum of the plan what elements of the appraisal have informed the policies and proposals in the plan. The development of the plan should be an iterative process and the environmental appraisal should inform each stage of the development.

The NATA and MMSs are decision making tools to assist the decision maker. It is up to the decision maker what emphasis or weighting is applied to any impact against any criteria.

**e) the link, if any, between the Environmental Assessment and other assessments (e.g. CBA).**

At the national level, environmental appraisal is part of the overall appraisal process that is being developed across the Government. Guidance on environmental appraisal has been designed to be complementary to other guidance, including that issued by the Treasury, the Cabinet Office on regulatory appraisal and the Department of Health on health appraisal. There would be scope to incorporate environmental appraisal as part of a regulatory appraisal, but it is neither required or prohibited.

*NATA and MMSs*

An important part of the information required for the AST comes from environmental impact assessment and cost/benefit analysis. The AST enables the information from these two sources to be presented in a balanced and integrated manner. By adopting standard procedures for these two assessments and using common parameter values in the cost/benefit analysis, consistency across the MMS can be ensured to facilitate comparisons.

### **A16.3**

#### ***PRACTICE IN THE MEMBER STATES***

##### **A16.3.1**

***Is SEA of transport policy, plan and programme (distinguish for different level where necessary) an established, regular process or is it currently an ad-hoc process adopted in few cases (pilot study level)?  
Do you expect to carry out more SEA in the future?***

At the national level, despite the availability of government guidance since 1991, environmental appraisal has not been carried out systematically and does not match the description of SEA set out in the proposed directive. In response to recent criticism, the government has proposed several initiatives to support the application of environmental appraisal. This includes the appointment of a Green Minister for each government department to improve inter-departmental policy integration. Ministers are also required to provide details of significant environment costs and benefits for proposals requiring clearance by the Cabinet Committee.

In a recent White Paper 'Modernising Government' the government promises to introduce an integrated system of impact assessment and appraisal tools in support of sustainable development, covering impacts in business, the environment, health and the needs of particular groups in society.

At the regional and local level, environmental appraisal of local and regional development plans is well established but is not as comprehensive as a full SEA as set out in the proposed directive. This is being extended to sustainability appraisals.

The use of NATA and MMSs are being extended.

##### **A16.3.2**

***Could you list the main stages of an SEA of transport based on your country's experience?***

Government guidance on the environmental appraisal of national policies sets out the following stages:

- summarise the policy issue, aims, objectives, trade offs, conflicts and constraints;
- specify the range of options for achieving the objectives, including a 'do nothing' option;
- identify and list all impacts on the environment including direct and indirect costs, mitigation measures;
- assess the significance of impacts;
- quantify costs and benefits as far as possible;
- value costs and benefits - ranking or list if not possible to value fully;
- state the preferred option and reasons for doing so; and
- make arrangements for effective monitoring and evaluation.

Government good practice for land use planning identifies key stages as:

- characterise the environment to provide a baseline;
- ensure that the scope of the plan covers the appropriate range of environmental concerns to secure the appropriate policy and options to prevent omissions;
- appraise the policies and proposals to establish their environmental effects.

#### NATA

- problem identification and assessment;
- identifying options;
- assessing options.

#### MMSs

The basic stages of a MMS are:

- agreement on a set of objectives which a strategy or plan should seek to satisfy;
- analysis of present and future problems on, or relating to, the transport system;
- exploration of potential solutions for solving the problems and meeting the objectives;
- appraisal of options, seeking combinations which perform better as a whole than the sum of the individual components; and
- selection and phasing of the preferred strategy or plan, taking account of the views of the public and transport providers.

Four sets of appraisal tools are set out:

- a transport or a land-use/transport interaction model;
- an environmental impact assessment procedure;
- a cost/benefit analysis procedure; and
- a geographic information system.

### **A16.3.3** *At what stage of the formulation of a policy, plan or programme does SEA normally start (i.e. screening, scoping, evaluation)?*

Government guidance for policy appraisal at the national level states that the timing of the appraisal process is dependant on how rapidly policy is developed.

Guidance for land use planning states that appraisal is an integral part of the process of drawing up the plan and is an iterative process starting with the scoping phase.

The aim of the NATA and MMSs is to start the assessment process as early as possible.

### **A16.3.4** *Is SEA of transport linked to other assessment processes (e.g. cost benefit analysis, technical evaluations or others)? How?*

As in the guidance section

### **A16.3.5** *Are the following perceived as present or future obstacles in applying the SEA process to the transport sector?*

- **Lack of expertise or funding, please comment.**

Government Guidance on appraisal of policies at the national level states that *'the level of resources devoted to each appraisal should be proportionate to the policy or programme since it would not be cost effective to devote resources to appraising*

*insignificant environmental aspects*'. The importance of the screening process is noted.

The DETR believe that in some other departments it is seen as time consuming but are supportive of the process themselves. The roads and airport departments have been very active in developing environmental appraisal.

It is also felt that there is a lack of knowledge regarding SEA and some confusion as to the difference between SEA and sustainability appraisals.

- **Lack of communication/collaboration amongst different parts of the administration, please comment.**

The administrations for transport and environment are all part of one department and many actions are being taken to integrate environmental considerations into transport policy.

- **SEA is perceived as “added bureaucracy” and time consuming, please comment.**

Yes, although people understand the reasons for SEA.

- **Others, please specify.**

At present there is little appreciation of the importance of SEA, including the need for stakeholder involvement and reporting. Transport developers have the highest level of awareness but there is a perception amongst others that only those PPPs with the most obvious environmental aspects will be covered by SEA. In addition, it is not clear if it will be a requirement for both private and public PPPs.

- **How have these obstacles been overcome or what relevant changes are planned for the future?**

A manual is currently being developed for SEA and transport. Development has involved consultation with transport providers, relevant agencies, environmental and consumer groups. The final document is not expected for another two years.

**A16.3.6**

***Are the following considered as benefits of applying SEA to transport policy, plan and programme (PPP) in your country?.***

- **Clearer understanding of potential environmental effects of transport PPP, please comment.**

Yes

- **Simplify the Environmental Impact Assessment process at project level (EIA), please comment.**

Yes



- **Enhancing the transparency and the public support towards the transport PPP, please comment.**

The introduction of public participation requirements is seen as a large barrier to acceptance and uptake of SEA, however progress has been made with the recent MMSs.

- **Enhancing the contribution of the transport PPP to the goals of sustainable development, please comment.**

The NATA does not go as far as considering social progress issues or resource use.

- **Other, please specify.**

The benefits are recognised by those working directly on environmental appraisal.

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Annex B

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