

Environment and Climate  
Regional Accession Network **ECRAN**

# SEA APPLICATION IN SLOVENIA

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Environment and Climate  
Regional Accession Network **ECRAN**

- International and EU legal framework
- SEA in Slovenia
- Legal framework and procedure
- Main aspects of SEA system
- Existing challenges

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## L'UNION EUROPEENNE 2015

**ENVIRONMENT  
HORIZONTAL**

Strategic environmental  
assessment for plans  
and programmes

Environmental  
assessment for private  
and public project

Protocol on Strategic  
Environmental  
Assessment

Convention on  
Transboundary Impact  
Assessment

## 1992 Rio Declaration on Environment & Development

### – Integration principle – Principle 4

In order to achieve sustainable development, environmental protection shall constitute an **integral part of the development process** and cannot be considered in isolation from it

### – Environmental Assessment – Principle 17

– Responsibility for transboundary  
environmental damage –  
Principle 2

– Transboundary procedure (Principles 18  
and 19)

## **PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT**

*to the Convention on Environmental Impact Assessment in a Transboundary Context (**Espoo Convention**)*

*Adopted in Kyiv, 2003, in force since 2010, UNECE Parties, including EU  
EU ratification in 2008 under Slovenian EU presidency*

## **EU „STRATEGIC“ ENVIRONMENTAL ASSESSMENT**

**DIRECTIVE 2001/42/EC on the assessment of certain plans and programmes on the environment**

## **Environmental Protection Act**

The main principles and aims:

- Provide the high level protection of environment, including health
- Contribute to integration of environment consideration into the plans and programmes
- To promote sustainable development



## Objective :

- a.) ensuring that environmental, including health consideration are thoroughly taken into account in the development of plans and programmes

Establishing : CLEAR, TRANSPARENT, EFFECTIVE PROCEDURES FOR SEA

- b.) Public participation
- c.) Integrating environmental measures and instruments for further sustainable development

## Legal Framework

- Slovenia does not have specific law on SEA/EIA
- Transposition in :
- **Environmental Protection Act** – main aims and procedure
- **Nature Conservation Act** – Transposition of Art. 6(3), 6(4) Habitats Directive, Appropriate assessment
- **Water Protection Act** – transposition of Art. 4.7 of the Water Framework Directive

## SEA in Environment Protection Act of the Republic of Slovenia means

The evaluation of the likely environmental, including health effects, which comprise:

- screening
- the determination of the scope of an environmental report and its preparation,
- the carrying-out of public participation and consultation, and
- the taking into account of the environmental report and results of the public participation and consultation

## SEA related decrees

- Decree laying down the detailed criteria for the assessment of significant effects on certain plans and programmes on environment
- Decree on environmental report and SEA
- Rules on assessment of acceptability of impact caused by the execution of plans and activities affecting natures and protected areas based on Nature Conservation Act
- Decree on categories of projects for which EIA is needed
- Decree on water floods protection

## SEA/EIA Decrees

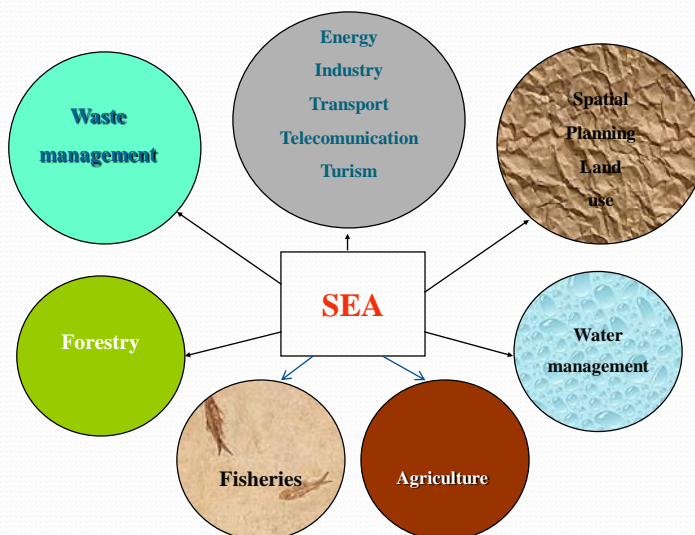
- Uredba o okoljskem poročilu in podrobnejšem postopku celovite presoje vplivov izvedbe planov na okolje, (*Uradni list RS, št. 73/05*)
- Uredba o posegih v okolje, za katerega je treba uvesti presojo vplivov na okolje (*Uradni list RS, št. 51/14, 57/15*)
- Uredba o vsebini poročila o vplivih nameravanega posega na okolje in načinu njegove priprave, (*Uradni list RS, št. 36/09*)
- Uredba o merilih za ocenjevanje verjetnosti pomembnejših vplivov izvedbe plana, programa, načrta ali drugega splošnega akta in njegovih sprememb na okolje v postopku celovite presoje vplivov na okolje, (*Uradni list RS, št. 9/09*)

[http://www.mop.gov.si/si/zakonodaja\\_in\\_dokumenti/veljavni\\_pr edpisi/okolje/zakon\\_o\\_varstvu\\_okolja/presoje\\_vplivov\\_na\\_okolje](http://www.mop.gov.si/si/zakonodaja_in_dokumenti/veljavni_pr edpisi/okolje/zakon_o_varstvu_okolja/presoje_vplivov_na_okolje)

## Environmental Protection Act defines plans and programmes

- All plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which are likely to have significant environmental effects, should as a rule be made subject to systematic environmental assessment (SEA)

## Programming and planing



## SEA SCREENING

- Plan or programme set the framework for future development consent of projects listed in Annex of the Decree on EIA projects
- require assessment pursuant to Directive 92/43/EEC – Habitats directive art 6(3), Appropriate assessment
- is likely to have significant effects on the environment according to criteria in Annex III of SEA directive

## Screening

- Case by case examination
- Is plan likely to have significant environmental effects, Annex I/II EIA Directive ?
- Is significant effect on Natura 2000 ?

IF YES

- Appropriate assessment as ANNEX to SEA report
- for Annex II or specifying, using criteria from Annex III
- Public participation in screening-to extend appropriate
- All SCREENING DECISIONS ARE PUBLIC AVAILABLE
- Possible administrative court complains

## Consultation with Environment and Health authorities

- Draft plan and environmental report
- Early, timely and effective manner

Opinions on draft plan or programme and the environmental report, 21 days:

- Nature Conservation- Institute for Nature Conservation
- Soil - Ministry for Agriculture
- Water- Water Management Authority
- Culture Heritage – Ministry for Culture Heritage
- Health – Ministry for Health, Institute for Public Health



## EFFECTS

Effect on environment, including human health,

Flora

Fauna

Biodiversity

Soil

Climate

Air

Water

Landscape

Natural sites

Material assets

Cultural heritage

Interaction among these factors



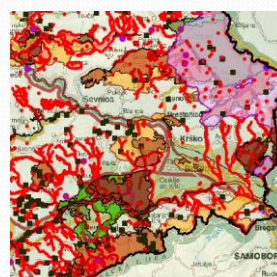
## DATA

Environmental Atlas

Nature Conservation Atlas

Water Atlas

All env. Data are open for the public



[http://gis.arso.gov.si/atlasokolja/profile.aspx?id=Atlas\\_Okolja\\_AXL@Arso](http://gis.arso.gov.si/atlasokolja/profile.aspx?id=Atlas_Okolja_AXL@Arso)

<http://www.naravovarstveni-atlas.si/nvajavnil/>

## Scoping

- Not obligatory, but recommended
- Environmental aims and indicators
- Environmental issues which are not important are excluded
- Prepared by planning authority /proponent
- Consultation with ministries and organisation
- Conclusion public available

FLOOD PROTECTION AIMS	Plan relates to flooden areas	✓ METHOD: Decree on flood protection
NATURA 2000	Plan relates to european ecological network	✓ METHOD: Rules on appropriate assessment
NOISE	Effects are excluded	NOT RELEVANT

## SEA report methods

- Environmental aims and indicators
- Methods : GIS, expert opinion, matrix
- Best expert opinion
- A - positive effect
- B – no effect
- C – no effects under mitigation measures
- D – significant effects which can not be mitigate
- E – significant negative effect
- D/E alternatives should be excluded

## Public participation

- Early, timely and effective opportunities for public participation, when all options are open
- Draft plan and Environmental report
- 30 days
- Remarks, comments
- Practice: Answers published on web page of the Planning Authorities



## SEA Transboundary consultation

- Notification
- Draft plan and environmental report, including the information on its possible transboundary environmental effects,
- Information regarding the decision making and indication of the time for transmission of comments and opinion
- Technical consultation
- Waiting for comments in reasonable framework

## **Transboundary consultations**

Where a P/P is considered likely to have significant effects on the environment of another MS, or affected

MS requests, consultations:

On the draft P / P and

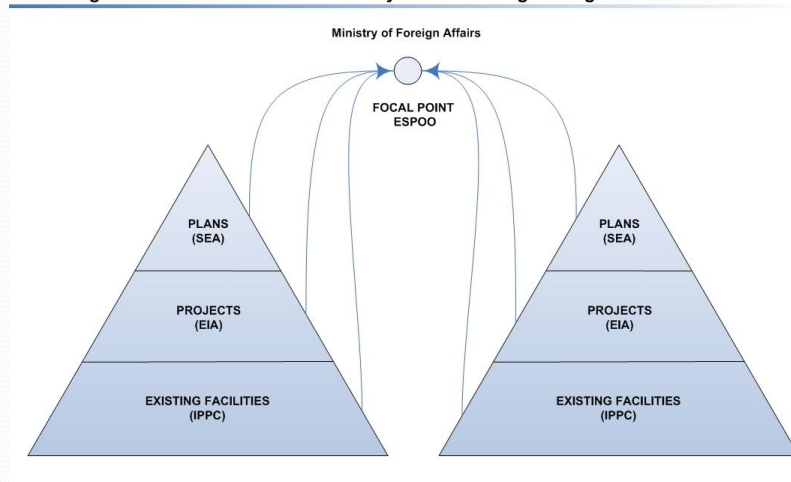
On the environmental report

**Organised in line with the principles of the  
Espoo Convention (1991 UNECE Convention on  
transboundary EIA)**

**Law on ratification of the Convention on  
Environmental Impact Assessment in  
Transboundary Context**

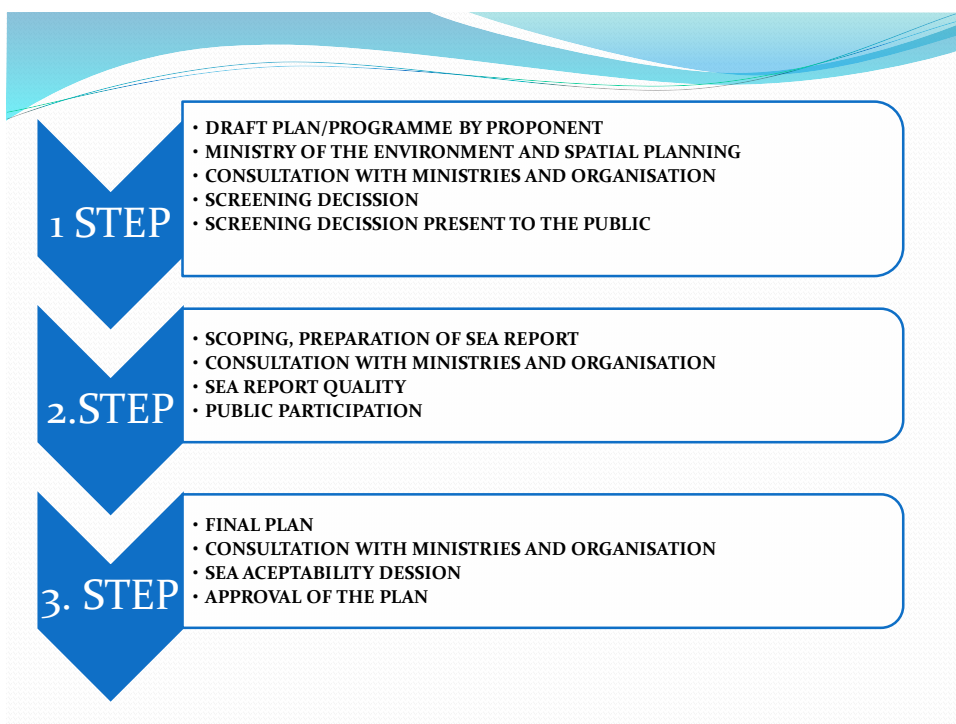
## **Transboundary consultation**

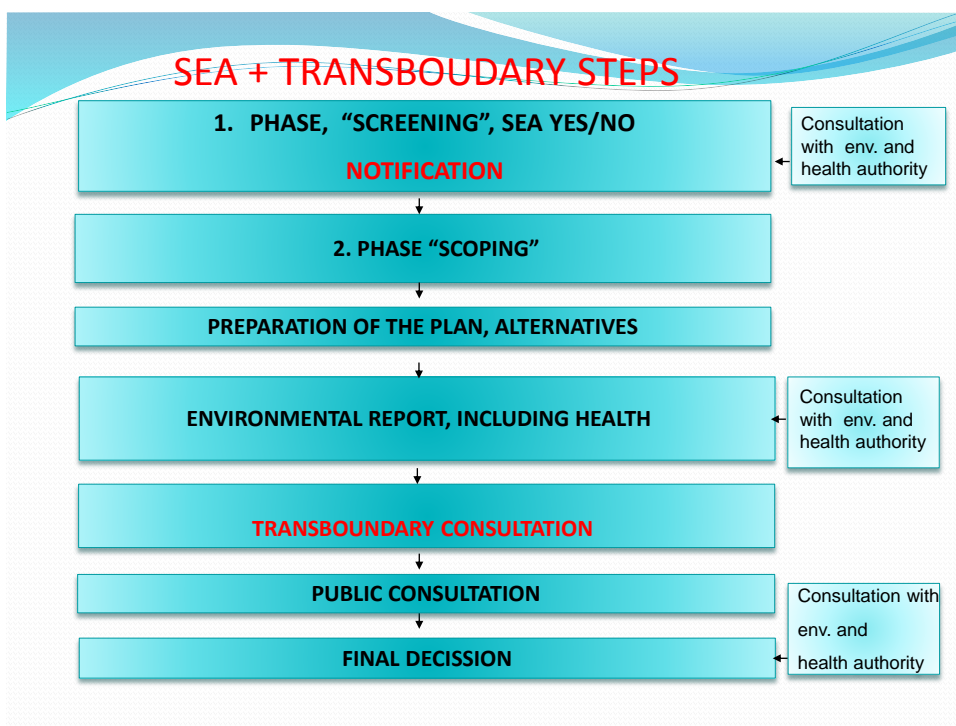
**An example of communication through the focal points for ESPOO on plans, projects or existing facilities in case of transboundary effects on neighboring countries**



## Decision on environmental acceptability

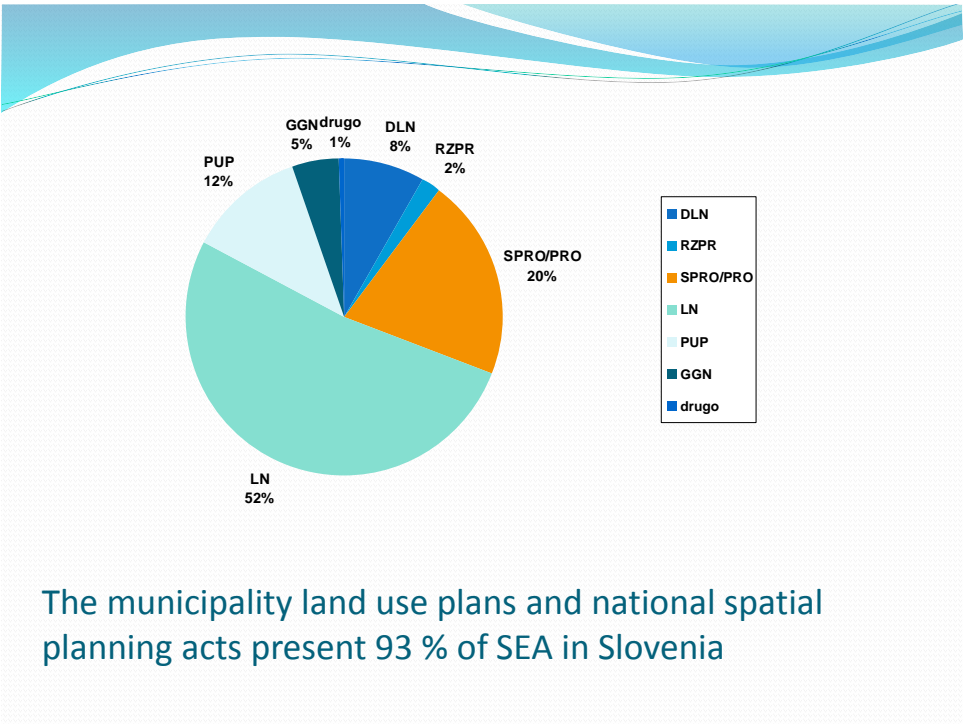
- At the end of the process
- Before the adoption of plan/programme
- Decision prepared by Competent Authority:
- Mitigation measures are included into the plan
- Mitigation measures are defined in the final environmental statement
- Monitoring is defined in the final environmental statement on environmental acceptability of plan



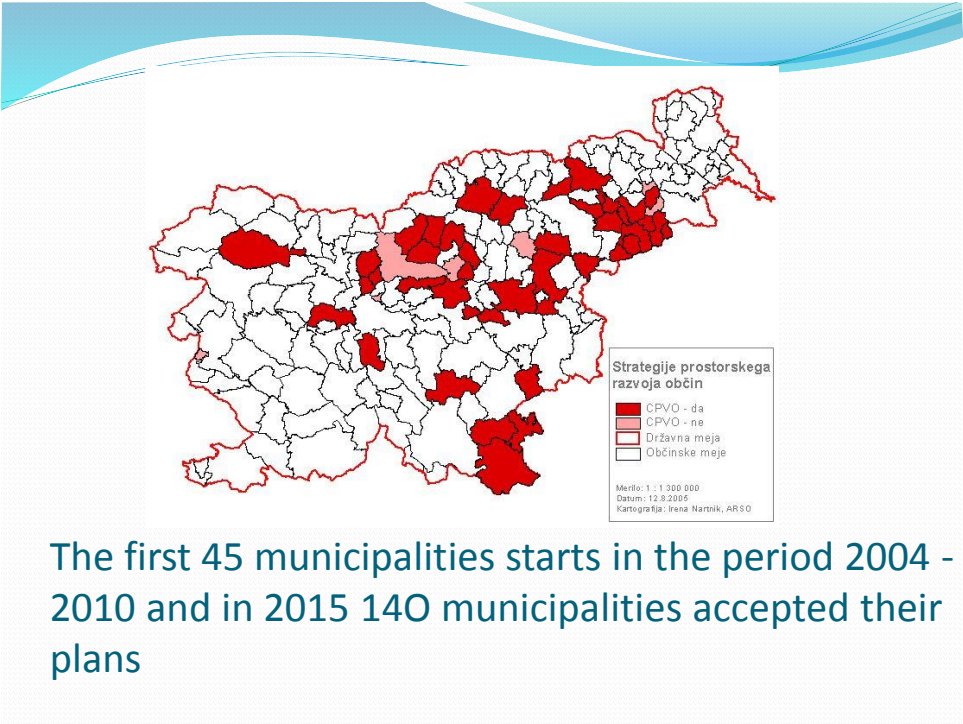


## Experiences

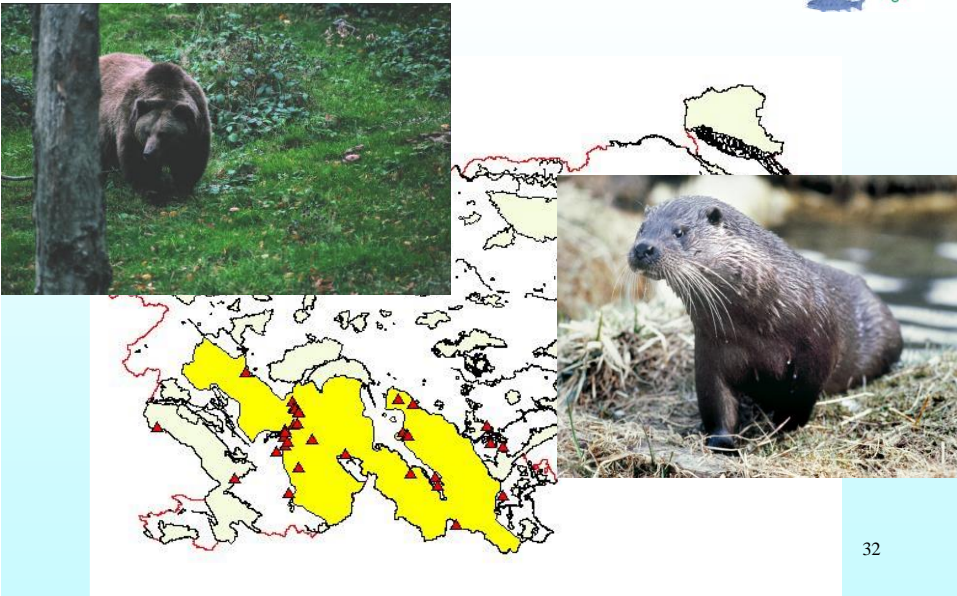
- SEA for cohesion operational programmes
- SEA for municipality land use plans
- SEA for municipality urbanistic plans
- SEA for national spatial plans
- SEA for water management plans
- SEA for waste management plans







Main challenge Appropriate assessment





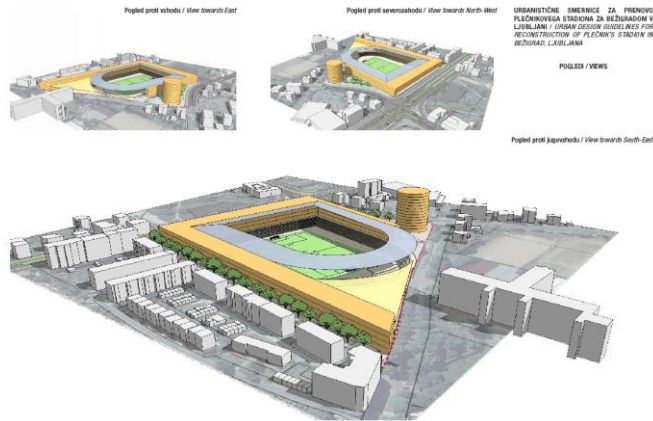


- Improved alternatives for
  - Waste disposal site (communal waste and construction waste)
  - Public transport, together with P+R
  - Pedestrian and cycling network
  - Industrial/business sites
  - Quality of life (noise protection, air protection, green areas)
  - Connection between urban and rural areas

## Case 2: SEA on detail urbanistic plan

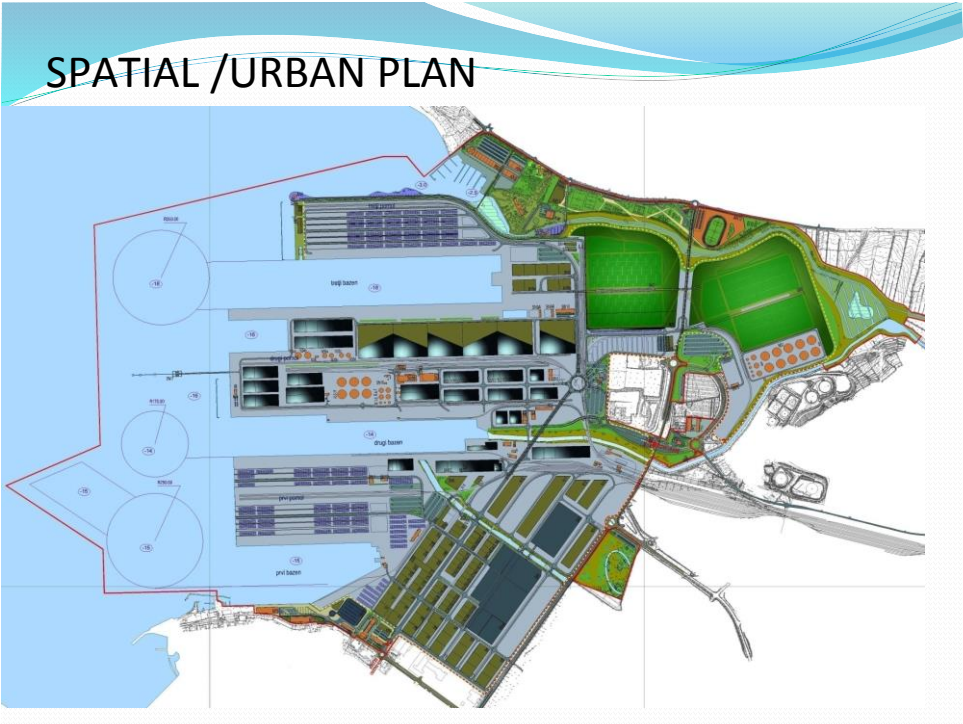


## Case 2 Urban planning act alternatives



## Case 3 :National Spatial Plan for Port Koper







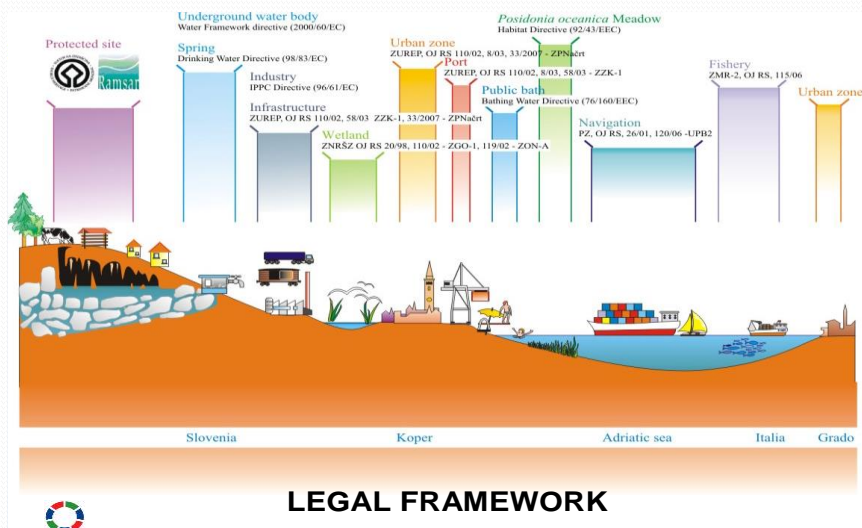


## Key stones for success

- Interdisciplinary teams
- Two teams working in parallel
- Many public discussion, on each environmental report and plan
- Active Cooperation of all environmental authorities:
- Ministry for Health, Ministry of Agriculture, Ministry of Culture, Agency for Environment, Institute for Nature Conservation, Slovenian Forest Service, Slovenian Institute for Geology
- Professional management of the process

# Challenges

## SEA in relation to other directives



## Conclusion

- SEA is process which helps the planning procedure
- SEA is process which green the programmes
- Public comments on SEA reports are positive
- SEA support alternative development and assessment
- helps in open and transparent procedure
- helps in better plan
- mostly mitigation measures are included

## Challenges

- Appropriate assessment
- Public participation and public hearing
- Scoping
- Quality of the SEA reports
- Cooperation between SEA and planning team: respect, equality and interdisciplinary approach
- Training
- SEA/EIA Training strategy 2015-2020

Thank you for your attention !

