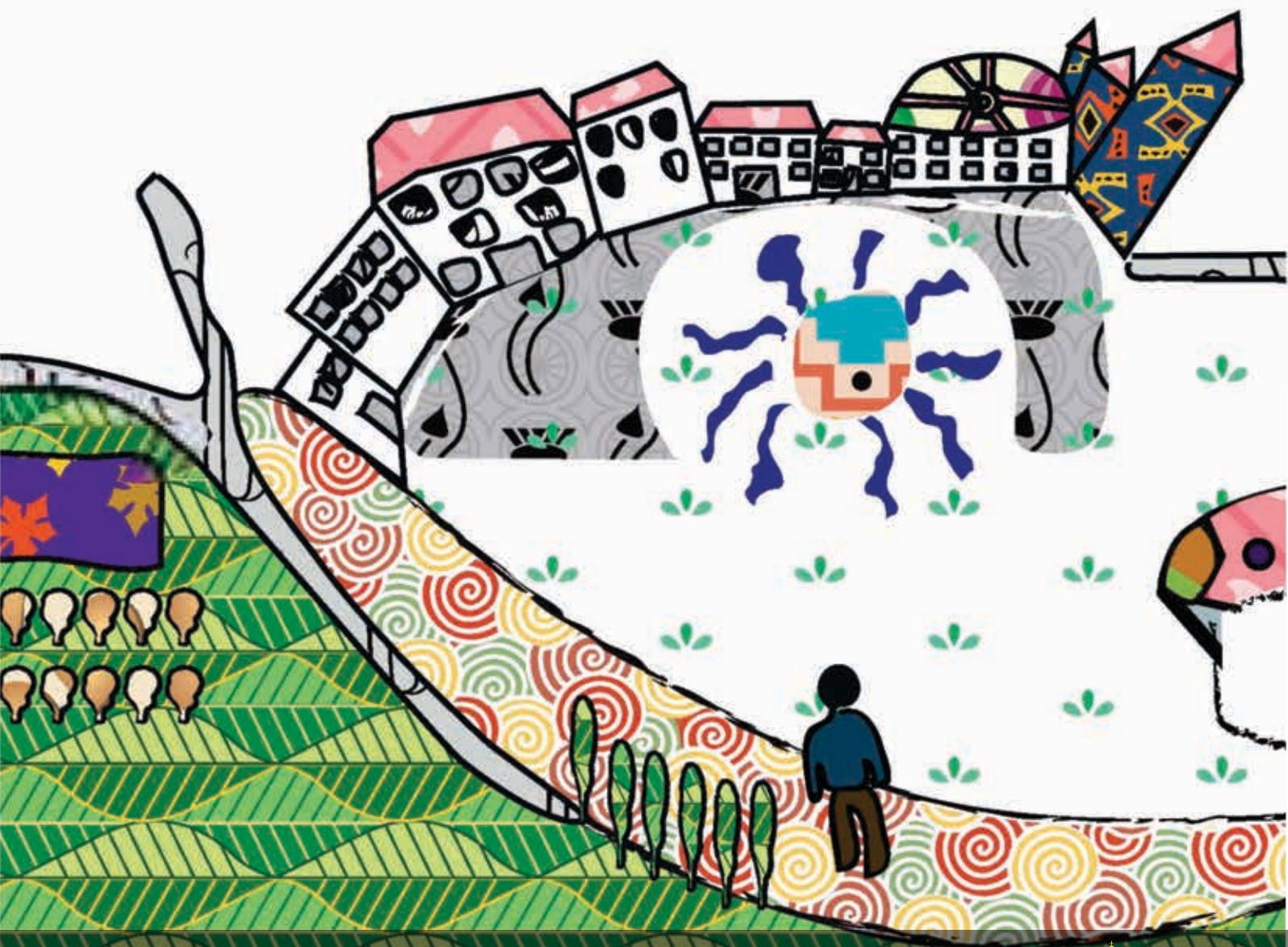


MUNICIPAL SPATIAL PLANNING SUPPORT PROGRAMME IN KOSOVO

Making Better Cities Together

# GUIDELINES FOR DRAFTING STRATEGIC ENVIRONMENTAL ASSESSMENT



Implemented by:

**UN HABITAT**  
FOR A BETTER URBAN FUTURE

Financed by:

**SWEDISH DEVELOPMENT  
COOPERATION**



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## Guidelines for Strategic Environmental Assessment of Spatial Plans

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United Nations Human Settlements Programme (UN-Habitat)

Municipal Spatial Planning Support Programme in Kosovo

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## ABBREVIATIONS AND ACRONYMS

EU	European Union
GoK	Government of Kosovo
GHG	Greenhouse Gas
GIS	Geographic Information System
IPCC	Intergovernmental Panel on Climate Change
KEPA	Kosovo Environmental Protection Agency
MAFRD	Ministry of Agriculture, Forestry and Rural Development
MDGs	Millennium Development Goals
MDP	Municipal Development Plan
MED	Ministry of Economic Development
MESP	Ministry of Environment and Spatial Planning
MH	Ministry of Health
MuSPP	Municipal Spatial Planning Support Programme
MZM	Municipal Zoning Map
NGOs	Non-Governmental Organisations
REC	Regional Environmental Centre
SEA	Strategic Environmental Assessment
UN	United Nations
UN-Habitat	United Nations Human Settlements Programme
WG	Issue-Specific Stakeholder Working Groups

## FOREWORD

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These guidelines are the result of the experience of UN-Habitat in Kosovo in supporting spatial and environmental planning processes. They aim to assist central and local governments, by providing recommendations for the implementation of Strategic Environmental Assessment (SEA) in Kosovo, following the adoption of the 2001 SEA European Union Directive<sup>1</sup> into Kosovo's legislation, and in particular regard to what concerns the spatial planning process.

Addressing environmental concerns is one of the important priorities in Kosovo on its orientation towards European integration process. UN-Habitat's Municipal Spatial Planning Support Program (MuSPP) in Kosovo, has supported the municipalities of Gračanica/Gračanica, Junik/Junik, Hani i Elezit/Elez Han, Junik, Malishevë/Mališevo, Mamusha/Mamuša, Partesh/Partesh, Prizren and Rahovec/Orahovac in the process of strategic environmental assessment (SEA) of Municipal Development Plans. At the National level, MuSPP has led the SEA for the Bjeshket e Nemuna National Park Spatial Plan, in support to Kosovo's Environmental Protection Agency (KEPA), and to the Institute of Spatial Planning (ISP).

Whilst collaborating to evaluate environmental vulnerability, SEA aims at giving focus to sustainable development. As part of the processes undertaken in Kosovo, the planning authorities, together with independent environmental experts, have evaluated the environmental dimension of their on-going spatial plans and deriving proposed actions, by establishing environmental objectives, defining targets and indicators to help measure the change and predict impacts of the proposed plans on the environment and also by developing mitigation measures for the foreseen negative impacts occurring from proposed development.

The assessments have attracted attention from a wider audience, in that they presented a head-to-head evaluation of spatial plans, offered training activities and an overall participatory planning approach. During these processes, the usual techniques for sustainability appraisal were considered, such as:

- matrix evaluation;
- use of GIS, including Analytical Hierarchy Process (AHP);
- social multicriteria evaluation with combined use of participatory techniques and multicriteria analysis;
- 'co-operative discourse' in which stakeholders select the evaluation criteria, experts present information and measure impacts, and citizens explore values, etc..

In addition to measuring the specific performance of each planning option against environmental criteria, typical ranking of scenarios was undertaken.

The process of strategic environmental assessment in Kosovo entails several principles which have been considered as part of the guidance provided by UN-Habitat to municipal authorities:

- integrating both quantitative and qualitative data in the analysis;
- granting intergenerational and minorities' equity by taking into account various social groups and their specific interests;
- providing opportunities for learning during the process;
- ensuring transparency of each step of the SEA; and
- having a strong element of public and stakeholder engagement.

These *Guidelines for Strategic Environmental Assessment of Spatial Plans*, are part of a series of guidelines and tools that the Municipal Spatial Planning Support Programme (MuSPP)/UN-Habitat is offering in support to spatial planning and governance processes in Kosovo. All of the guidance and toolkits in this series draw upon the experience and information generated by UN-Habitat's support to municipal spatial planning. These guidelines are intended to enable local and central level decision makers, Non-Governmental Organisations as well as representatives of the local

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<sup>1</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001, p. 30-37.

communities to acquaint themselves with a variety of methodologies most appropriate to their development contexts in support to spatial planning processes.

This guidance is arranged in a way that will encourage users to consider the environmental impacts of plans and programmes in specific spatial planning contexts. Findings from the first SEA processes in Kosovo have set the basis to the guidelines and should offer lessons relevant to other communities both in Kosovo and the Balkan region, as they consider different options for environmental planning and integrated development planning. Further to the plan evaluation, the environmental assessment in the context of Kosovo should offer opportunities to raise awareness to environmental considerations in planning and should also encompass a range of monitoring and mitigation measures to be further developed by the municipalities when implementing their local development plans as part of an integrated approach to effective sustainable development planning.

# INTRODUCTION

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## What is Strategic Environmental Assessment?

The general purpose of Strategic Environmental Assessment (SEA) is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development. SEA is an assessment instrument for evaluation of impacts of strategic nature<sup>2</sup> aiming at:

- Ensuring a strategic vision and broad perspective in terms of environmental aspects, within a sustainable development approach;
- Ensuring integration of aspects related to environment in the decision-making process, while the options for future development are in discussion;
- Providing assistance in the identification, selection and justification of options in face of environment challenges and development aims;
- Detecting problems and opportunities, and presenting suggestions for management and strategic monitoring programs;
- Ensuring transparency and participation in the strategic development, involving all relevant stakeholders;
- Producing contexts for development that might be more adequate to future development proposals.

The main objective of a SEA is to promote sustainable development through the detailed consideration of sustainability issues integrated in the preparation and adoption of plans. The aim is to introduce sustainable thinking through all stages of development planning, considering that the “efficiency of urbanism should precede the costs of alternate technologies”<sup>3</sup>, focusing at protecting critical aspects of the environment whilst at the same time reducing overall resource demands.

In a spatial planning process, strategic decisions will be undertaken with time. If SEA aims at influencing strategic decision, it must also be a continuous process, promoted within the planning process, integrating environmental aspects and sustainability issues during the design of strategic options for future development.

SEA must be flexible and able to adapt to the planning and policy-making context (including legal, institutions, procedural and cultural and political factors), which may be very different among countries, decision tiers (national, regional, etc.), and sectors (land use, agriculture, water, energy, etc). Additionally, the specific circumstances of the strategic action under consideration (in terms of content, level of definition, availability of data, timing, consultation with stakeholders, etc.) will determine the way in which SEA is undertaken. However, even though SEA approaches vary in different countries, for different sectors and for different levels of decision-making, there is broad agreement on certain defining principles<sup>4</sup>:

- SEA is a tool for improving strategic actions. Hence, SEA should start early, and be undertaken as an integral part of the decision-making process. Decision-makers should be involved in the SEA process to ensure that proper considerations is given to SEA findings;
- SEA should promote stakeholders participation and ensure transparency in the decision-making process, including sensitivity to gender;
- SEA should focus on key environmental and sustainability concerns that are appropriate for the specific strategic action, considering the timescale and resources of the decision-making process. A scoping stage is always important to sort out the key issues;
- SEA should include the analysis and comparison of possible options for the strategic action, and the identification of the most suitable one(s);

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<sup>2</sup>PARTIDÁRIO, Maria do Rosário (2007) *Guia de Boas Práticas para Avaliação Ambiental Estratégica: Orientações Metodológicas*, Lisbon, Portuguese Environment Agency

<sup>3</sup>CALTHORPE, Peter (2010) *Urbanism in the age of climate change*, Washington, Island Press, p.15

<sup>4</sup> THERIVEL, R. (2004) *Strategic Environmental Assessment in action*, London, Earthscan

- SEA should aim at minimizing negative effects, enhancing positive ones, compensating for the loss of valuable features and benefits, and ensuring that irreversible damage are not caused. This requires predicting the effects of the strategic decision, and comparing the likely future situation without the action (the baseline) against the situation with the action. It also requires evaluating the significance of the effects.

In short, a good-quality SEA process informs planners, decision makers and affected public on the sustainability of strategic decisions, facilitates the search for the best alternative and ensures a democratic decision making process.<sup>5</sup>

Both the EC SEA Directive and the Kosovo SEA Law limit the scope of SEA to two levels of strategic decisions: plans and programmes. Plans and programmes mean different things in different contexts, even though most definitions have overlapping aspects and are essentially variants on the same theme. Put simply:<sup>6</sup>

- A plan is a purposeful forward looking strategy or design, often with co-ordinated priorities, options and measures that elaborate and implement policy;
- A programme is a coherent, organised agenda or schedule of commitments, proposals, instruments and/or project that elaborate and implement policy.

Distinctive characteristics of SEA when compared to EIA, include<sup>7</sup>:

- Greater uncertainty about the effects of a plan or programme (which give general directive) as compared to a project (which consists in concrete actions);
  - Broader range of environmental consequences to be considered;
  - Wider set of linkages and trade-offs with economic and social issues;
  - Larger scale/longer time frames to take account of environmental effects and consequences (e.g. implications of greenhouse gases emissions for climate change).

**Box 1.1 SEA vs. Environmental Impact Assessment (EIA)**

SEA and EIA focus on different levels of decision-making. Environmental Impact Assessment (EIA) focuses on individual projects (that can potentially produce a significant impact on the environment), whereas Strategic Environmental Assessment (SEA) focuses on higher-level decisions, i.e. plans and programmes.

EIA	SEA
Applied to specific projects	Applied to plans and programmes with a broad and long-term strategic perspective
Consider limited range of project alternatives	Consider a broad range of alternative scenarios
Limited review of cumulative impacts, often limited to phases of a specific project. Does not cover regional scale or multiple projects	Inherently consider cumulative impacts and synergies
Well-defined, linear process	Multi-stage process, with feedback loops and iteration
Emphasis on mitigating impacts, but with identification of some project opportunities (e.g., off-set measures)	Emphasis on meeting balanced environmental, social and economic objectives. Includes identifying macro-level development outcome

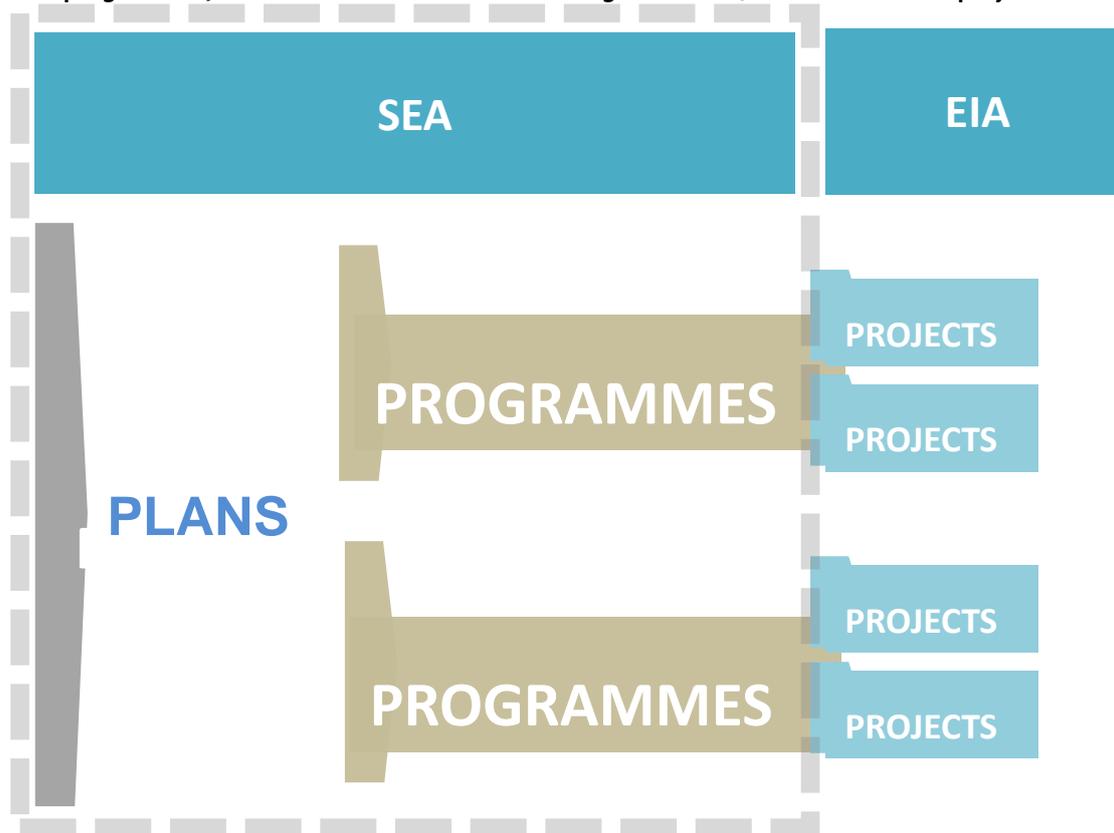
**Modified from: OECD (2006) Applying Strategic Environmental Assessment: Good practice guidance for development co-operation, DAC Guidelines and Reference**

<sup>5</sup>International Association for Impact Assessment (2002) *Strategic Environmental Assessment: Performance Criteria*, IAlA Special Publication Series No. 1 [Available from: <http://www.iaia.org/publicdocuments/special-publications/sp1.pdf>]

<sup>6</sup>SADLER, B. and R. VERHEEM (1996) *Strategic Environmental Assessment, Volume 53: Status, Challenges and Future Directions*, Ministry of Housing, Spatial Planning and the Environment, The Netherlands, and the International Study of Effectiveness of Environmental Assessment

<sup>7</sup>ABAZA, H., BISSET, R., SADLER, B. (2004) *Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach*, UNEP

**Fig 1.1 The decision-making hierarchy showing that SEA focuses on the “strategic” levels of decision-making (i.e.plans and programmes) and EIA focuses on the more “tangible” levels, i.e. the individual projects**



### **Purpose of the guidelines**

These guidelines intend to offer guidance on the implementation of the SEA Directive at Kosovo level aiming to promote an environmental planning approach in urban development practice. The guidelines were developed as a reference tool for municipalities in Kosovo and as a result of the environmental mainstreaming initiatives undertaken in support to MuSPP partner municipalities when addressing spatial planning in Kosovo.

The purpose of this document is to provide operational guidance to support Strategic Environmental Assessment (SEA) processes in Kosovo. The document focuses on spatial planning, but most of the content, and the proposed methodology, are more generally applicable to SEA in all sectors.

### **Who are these guidelines aimed at?**

Understanding SEA in spatial planning offers a valuable foundation to decision makers, planners, designers and other stakeholders in the process of spatial planning, in order to analyse and incorporate an environmental perspective in the formulation of development frameworks well suited to fit the specific context.

These guidelines are intended to assist central and local government, as well as professionals working in the environmental field in Kosovo by providing a step by step guide and overall recommendations, methods and tools on how to implement SEA for spatial planning, making available general information on SEA methodology and practice.

### **How to use this guidance**

The document provides an overall introduction on environmental planning, feeding from MuSPP’s experience in Kosovo. Users can either review the entire document at once, or skip directly to the chapters of specific interest in order to obtain specific information on the SEA process, methodologies, techniques and specific tools designed for Kosovo context.

**Chapter 1: Background and Context** provides background on the SEA practice and its legal and practical implementation at Kosovo spatial planning level.

**Chapter 2: SEA methodology for Kosovo Spatial Plans** describes the overall proposed methodology for the SEA process in accordance to Kosovo Law No.03/L –230 (hereinafter “SEA Law”), and also the requirements suggested by international guidance and best practice. This chapter offers recommendation for Screening, Scoping and Consultation, specifically designed for Kosovo practice.

**Chapter 3: Stages of Strategic Environmental Assessment** describes in detail the step by step methodology for conducting SEA for Kosovo Spatial Plans.

**Chapter 4: Recommendations** provides a summary of the main information contained in these guidelines and offers some ideas on how SEA should reflect the level of the spatial plan under analysis, distinguishing between national-level, and local-level planning.

**Box 1.2 Some further sources on SEA methodology**

Resource	Website
European Commission (2013). Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment.	<a href="http://ec.europa.eu/environment/eia/sea-support.htm">http://ec.europa.eu/environment/eia/sea-support.htm</a>
UNEP (2014). Integrating ecosystem services in Strategic Environmental Assessment: A guide for practitioners.	<a href="http://www.proecoserv.org/information-hub-test/guideline.html">http://www.proecoserv.org/information-hub-test/guideline.html</a>
Partidario, M (2012). Strategic Environmental Assessment Better Practice Guide: Methodological guidance for strategic thinking in SEA. Portuguese Environment Agency and Redes Energéticas Nacionais.	<a href="https://www.iaia.org/publicdocuments/special-publications/SEA%20Guidance%20Portugal.pdf">https://www.iaia.org/publicdocuments/special-publications/SEA%20Guidance%20Portugal.pdf</a>
Strategic Environmental Assessment Open Educational Resource. United Nations University and Oxford Brookes University	<a href="http://sea.unu.edu/index.html">http://sea.unu.edu/index.html</a>
Ahmed, K. and Sánchez-Triana, E. (Eds) (2008) Strategic Environmental Assessment for Policies. The World Bank, Washington D.C	<a href="http://siteresources.worldbank.org/INTRANETENVIRONMENT/1705772-1210788188539/21819527/SEA_FOR_POLICIES.pdf">http://siteresources.worldbank.org/INTRANETENVIRONMENT/1705772-1210788188539/21819527/SEA_FOR_POLICIES.pdf</a>
OECD (2006). Applying Strategic Environmental Assessment. Good practice guidance for development co-operation. DAC Guidelines and Reference Series	<a href="http://www.oecd.org/dac/environment-development/37353858.pdf">http://www.oecd.org/dac/environment-development/37353858.pdf</a>
Abaza, H., Bisset, R., Sadler, B. (2004) Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach. UNEP	<a href="http://www.unep.ch/etu/publications/textONUBr.pdf">http://www.unep.ch/etu/publications/textONUBr.pdf</a>
ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive. Scottish Executive Welsh Assembly Government Department of the Environment, Northern Ireland	<a href="http://www.doeni.gov.uk/niea/bm_sea_practicalguide.pdf">http://www.doeni.gov.uk/niea/bm_sea_practicalguide.pdf</a>

# I. BACKGROUND AND CONTEXT

## 1.1 The SEA Directive and Kosovo Law

The field of SEA has developed rapidly over the last 15 years, and SEA is undertaken, both formally and informally, in an increasing number of countries and international organizations.<sup>8</sup> SEA applies primarily to development-related initiatives promoted individually in sectors (e.g., transport, energy, water, tourism), or collectively in a geographical area (e.g., regional spatial or land use plan). Increasingly, SEA is expanding its scope to include social, health and economic consequences, and their relationship to sustainable development concepts and strategies.<sup>9</sup>

The Strategic Environmental Assessment (SEA) Directive is an important step in European environmental law. European Directives n° 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, known as the Strategic Environmental Assessment or SEA Directive, and 2003/35/EC, concerning public participation in certain plans and programs related to the environment, have introduced strategic environmental assessment to plans and programs in the sectors of agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and which set the framework for future development, where municipal planning is clearly defined.

Environmental assessment of plans and programmes has been a compulsory requirement in Kosovo since 2010: according to point n.º 2 of article 3, chapter II, of Kosovo's Law No. 03/L–230 on Strategic Environmental Assessment (October 2010), “drafting of SEA report is obligatory for plans and programs from spatial planning and city planning field, on land use, agriculture, forestry, fisheries, hunting, energy, industry, mines, traffic, waste management, water management, telecommunication, tourism, which give a frame for future development projects, which undergoes environmental impact assessment according to the Environmental Impact Assessment Law”.

Law 03/L–230 on Strategic Environmental Assessment determines the conditions, form and procedures for the assessment of the impacts on the environment of certain plans and programmes through integration of environmental protection principles in the preparation, approval and realization of plans and programmes, with the aim of promoting sustainable development.

Essentially, the SEA Law requires the SEA procedure to comprise:

- The preparation of an SEA report on the likely significant effects of the draft plan or programme;
- The consultation of relevant bodies, and the general public, on the draft plan or programme and accompanying SEA report;
- The consideration of the SEA report and consultation outcome in decision-making;

<sup>8</sup>SADLER, B. (2011) *Taking stock of SEA*, In: SADLER, B., ASCHEMANN, R., DUSIK, J., FISCHER, T.B., PARTIDARIO, M., VERHEEM, R. (eds), *Handbook of strategic environmental assessment*, London, Earthscan, 1-19

<sup>9</sup>ABAZA, H., BISSET, R., SADLER, B. (2004) *Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach*, UNEP

### Box 1.1.1 The SEA Directive

The SEA Directive requires that certain PPs undergo an environmental assessment before being adopted.

The SEA Directive has been integrated into Kosovo legislation and applies to a wide range of PPs (e.g. on land use, transport, energy, agriculture, etc.).

PP in the sense of the SEA Directive must be drafted or adopted by a public authority (at national, or local level) and be required by legislative, regulatory or administrative provisions.

The PPs covered by the Directive are subject to an environmental assessment during their preparation, and before being adopted. The procedures include the drafting up of an SEA report in which the likely significant effects on the environment and the alternatives are considered. The SEA report and the results of the consultations (with the public, the environmental authorities, etc.) are taken into account before adoption of the proposed PP. Once a PP is adopted, the environmental authorities and the public are informed and relevant information is made available to them. The SEA Directive further entails monitoring of significant environmental effects of the PP in order to identify unforeseen adverse effects at an early stage of PP implementation.

- The communication of the results of the SEA and of the inclusion of its outcome into the plan or programme.

Kosovo's Law on Strategic Environmental Assessment, states that SEA should report the following aspects:

1. an outline of the contents, main objectives of a plan or programme and relationship with other relevant plans and programmes;
2. the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
3. the environmental characteristics of areas likely to be significantly affected;
4. any existing environmental problems which are relevant to the plan or programme, including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
5. the environmental protection objectives, established at national, international or European Community level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
6. the likely significant effects on the environment (including secondary effects, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative and, where relevant, transboundary effects), on such issues as biodiversity, population, human health, flora, fauna, soil, water, air, climatic factors, material assets, cultural and natural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
7. the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
8. an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties - such as technical deficiencies or lack of knowhow - encountered in compiling the required information;
9. a description of the measures envisaged concerning monitoring in accordance with Article [...];
10. a non-technical summary of the information provided under the above headings.

Table below sets out these requirements in more detail, and describes where they are addressed in this report.

**Table 1.1.1 Requirements of the SEA Law**

Requirements	Where covered in these guidelines
<i>Preparation of an SEA report, in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and geographical scope of the plan or programme, are identified, described and evaluated. The information to be given is (Art. 7 and Annex II):</i>	Chapter 3.3
<i>1. an outline of the contents, main objectives of a plan or programme and relationship with other relevant plans and programmes</i>	Chapter 3.1, Chapter 3.2
<i>2. the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme</i>	Chapter 3.1, Chapter 3.2

Requirements	Where covered in these guidelines
3. <i>the environmental characteristics of areas likely to be significantly affected</i>	Chapter 3.1
4. <i>any existing environmental problems which are relevant to the plan or programme, including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC</i>	Chapter 3.1, Chapter 3.2
5. <i>the environmental protection objectives, established at national, international or European Community level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation</i>	Chapter 3.1, Chapter 3.2
6. <i>the likely significant effects on the environment (including secondary effects, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative and, where relevant, transboundary effects), on such issues as biodiversity, population, human health, flora, fauna, soil, water, air, climatic factors, material assets, cultural and natural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors</i>	Chapter 3.2
7. <i>the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme</i>	Chapter 3.2
8. <i>an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties - such as technical deficiencies or lack of knowhow - encountered in compiling the required information</i>	Chapter 3.2, Chapter 3.3
9. <i>a description of the measures envisaged concerning monitoring</i>	Chapter 3.5
10. <i>non-technical summary of the information provided under the above headings</i>	Chapter 3.3
<p>The report shall include such of the information referred to in Annex II as may reasonably be required, taking account of (Art. 7.3):</p> <ul style="list-style-type: none"> <li>- <i>current knowledge and methods of assessment;</i></li> <li>- <i>the contents and level of detail in the plan or programme;</i></li> <li>- <i>the stage of the plan or programme in the decision-making and the stage of process to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.</i></li> </ul>	Chapter 3, Chapter 3.1, Chapter 3.2, Chapter 3.4
<b>Consultation</b>	
Consulting the consultation bodies when deciding on the scope and level of detail of the information that must be included in the report (Art. 7.5)	Chapter 2.3, Chapter 3.4
Ensuring that the consultation bodies and the public are given an effective opportunity to express their opinion on the relevant documents (early draft of plan or programme and its accompanying SEA report) (Art. 8)	Chapter 2.3, Chapter 3.4
Arranging for a public debate (Art. 9)	Chapter 2.3, Chapter 3.4
Arranging for consultation processes with other countries, in case the plan or programme is likely to have significant effects on the environment of those countries (Art. 10).	Chapter 2.3, Chapter 3.4
Decision-making should take into account the SEA report and the results of the consultations (Art. 14).	Chapter 3.4
<b>Information on the decision</b>	

Requirements	Where covered in these guidelines
<p><i>When the plan or programme is adopted, the public, the consultation bodies and any countries consulted shall be informed and the following made available to those so informed (Art. 15):</i></p> <ul style="list-style-type: none"> <li>- <i>how environmental considerations have been integrated into the plan or programme;</i></li> <li>- <i>how the opinions of the consultation authorities, the public including the public consultees, and any views expressed as a result of transboundary consultations have been taken into account;</i></li> <li>- <i>the reasons for choosing the plan or programme from a review of the reasonable alternatives;</i></li> <li>- <i>the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.</i></li> </ul>	Chapter 3.4
<p><b>Monitoring</b> of the significant environmental effects of the plan's or programme's implementation (Art. 16)</p>	Chapter 3.5
<p><b>Quality assurance</b> of the SEA report, by referring to a list of quality criteria (Art. 12.5, Annex III)</p>	Chapter 3.4

## 1.2 SEA and sustainable development in Kosovo

SEA for spatial planning is still a relatively new subject in Kosovo, and there are limited examples of “full” application of SEA, i.e., of SEA undertaken at the same time as the planning process, as opposed to SEA undertaken as (largely) ex-post assessment. Since the SEA legislation was adopted, in 2014, many of the planning processes already under way were slowly adjusted and SEA has been gradually integrated into the spatial planning practice, as has also occurred in many other European countries. Additionally, the whole spatial planning process in itself is recent for many Kosovo municipalities and requires additional road-testing for improving key aspects, such as public participation or the availability and use of suitable data. Hence, the main limitations that emerge from this experience are the ones that are typically expected in newly established SEA systems. An overview of these key points that require special attention to improve the effectiveness of SEA processes in Kosovo is presented in Table 1.2.1. Suggestions on how to address these points will be provided in the next chapters, as detailed in the table.

**Table 1.2.1 Key points for improvement, and where to find guidance in these guidelines**

Key point	Comments	Where to find guidance
<b>Baseline study</b>	<i>Lack of key data: this aspect is bound to progress with the general improvement in the availability of environmental data in Kosovo. Currently, it is still a critical issue. In addition, baseline studies for SEA can be more effectively organised, in a way that allows answering to the key questions presented in Section 3.1.2.</i>	Section 3.1.2
<b>Scoping</b>	<i>SEA scoping has been conducted, explicitly or less explicitly, in most SEA previous experience in Kosovo. It can be improved in future practice by providing a stronger rationale for the selection of key issues, as well as by involving consultation bodies in the scoping stage, which is required by the legislation. Producing a separate scoping report and holding an initial public debate to clarify scoping and baseline matters is also recommended, even though not required by the legislation.</i>	Sections 3.1.1, 3.1.3, 3.1.4
<b>Consultation</b>	<i>This has been a critical aspect, given that many SEAs have been retrofitted.</i>	Section 2.3.1-2.3.3

<b>process</b>	<i>However, most SEA processes had some form of consultation, at least with selected bodies and authorities, if not with the general public. Consultation is quite strictly regulated by the SEA Law, as described in Chapter 2.2. The chapter also provides some general recommendations from international best practices and a list of possible consultation bodies for Kosovo.</i>	and 3.1.4
<b>Impact assessment methods</b>	<i>Not all the SEA reports conducted an analysis of the compatibility of the MDP objectives against the SEA objectives. This is understandable given that the MDP objectives are identified early in the process, and many SEAs started only later (or were retrofitted). However, the analysis of the compatibility of the plan's objectives is a key, and truly strategic element of the SEA, and should always be included. Suggestions and examples are given in Section 3.2.3.</i>	Section 3.2.1 and 3.2.3
	<i>The use of GIS-based analysis has been quite limited in the SEA, due also to the lack of suitable data. In the future, the availability of GIS data is bound to increase in Kosovo, and their use in SEA for spatial planning will be required.</i>	
	<i>Cumulative effects are seldom addressed, despite being a central element of SEA. Some suggestions on this point are presented in Section 3.2.3</i>	
<b>Consideration of alternatives</b>	<i>It is a sore point for SEA processes (not only in Kosovo). Current experiences focus mainly on the no-plan versus plan alternatives, or on a limited set of pre-defined alternative scenarios. However, a plan is made of many decisions, each comprising several possible alternatives, which should be addressed by SEA. Consideration of alternatives can be improved by strengthening the integration between the planning and SEA processes, and by making sure that all relevant types of alternatives are addressed (see "hierarchy of alternatives" and examples of alternative comparison presented in Section 3.2.2)</i>	Section 3.2.2
<b>Structure of the report</b>	<i>Several SEA reports are unbalanced, in that they are mostly devoted to describing "introductory" elements (legislation, definition, environmental baseline), rather than performing the actual assessment and contributing to the plan's development. The more SEA will be conducted in Kosovo, the less need there will be for general introductions on SEA, the Kosovo context, etc. A more balanced structure for the content of the SEA report, as well as quality criteria that can be used during its compilation can be found in Chapter 0.</i>	Chapter 3.3
<b>Mitigation measures</b>	<i>The proposed mitigation measures are mostly general and refer to project-related actions that can be undertaken to reduce environmental impacts (e.g., greening interventions). However, SEA can propose many different types of mitigations (fiscal, regulatory, educational, technical, etc) that may apply to the different element of a spatial plan. These mitigation types, and relevant examples, are provided in Section 3.2.4.</i>	Section 3.2.4
	<i>Mitigation measures are not proposed in a logical hierarchy, as should be expected in impact assessment. This hierarchy, with relevant examples, is described in Section 3.2.4.</i>	
<b>Monitoring plan</b>	<i>Most SEA proposed a list of monitoring indicators, rather than an actual monitoring plan. The latter require, in addition to the description of the indicators, also information about: frequency of data collection; responsibility for data collection; evaluation (what to do with the collected</i>	Chapter 3.5

*data? How to interpret them?), and management response (how to reach to monitoring outcome that are not in line with impact prediction?). Characteristics of good monitoring plans are presented in Chapter 0.*

### 1.3 How will SEA contribute to promote sustainable development in Kosovo?

SEA is a tool for improving the overall quality of the planning and programming of future actions, in what relates to its environmental perspective. In so doing, it allows for a better understanding and programming of all environmental activities, facilitating an integrated perspective of sustainable spatial planning. These activities may be diverse, but it is recommended that climate change and biodiversity<sup>10</sup> are two of the strong components of SEA practice in Kosovo.

The first consequences of climate change are already observed in Europe and worldwide, with impacts predicted to intensify in the years to come, increasing the likelihood of weather-related natural disasters. Disaster risk management is becoming a central aspect to be considered in spatial planning, as the impacts on communities, including property and productivity are expected to increase in the next decades, due to climate change. Therefore, Climate change adaptation and Disaster risk reduction measures may be considered as crucial to face the future adverse impacts of natural hazards and mitigate eventual risks<sup>11</sup>.

By addressing policy making and strategic thinking from its earliest stages, SEA can play an important role in reinforcing environmental mainstreaming initiatives, setting the tone on sustainable development: establishing priorities that do not jeopardise the future and that are based on a clear balance between environment, society and economic frameworks.

Responses to climate change are usually structured into two main spheres of work, to be considered and mainstreamed through SEA:

- Mitigation measures — measures that avoid, reduce, remediate or compensate for significant adverse impacts of a strategic action on the environment.
- Adaptation — is a process, or set of initiatives and measures, to reduce the vulnerability of natural and human systems against actual or expected climate change effects. Adaptation can also be thought of as learning how to live with the consequences of climate change.

Spatial planning can have a positive effect in maximising the correlation between climate change adaptation and mitigation proposed activities: certain adaptation measures can for example have mitigation benefits. One of the roles of SEA is to seek to address conflicts and potential synergies between these measures and to avoid ‘maladaptation’ measures (i.e., measures that while seeking to improve adaptation to natural hazards may in fact increase vulnerability). The EU guidance on this matter proposes that SEA should make a “comprehensive assessment of the links between climate change mitigation, adaptation and other environmental issues and policy concerns, to avoid the risk of negative synergies and inconsistent policies; as well as missed opportunities for exploring and promoting positive synergies; and sub-optimal allocation of resources and policy responses.”<sup>12</sup>

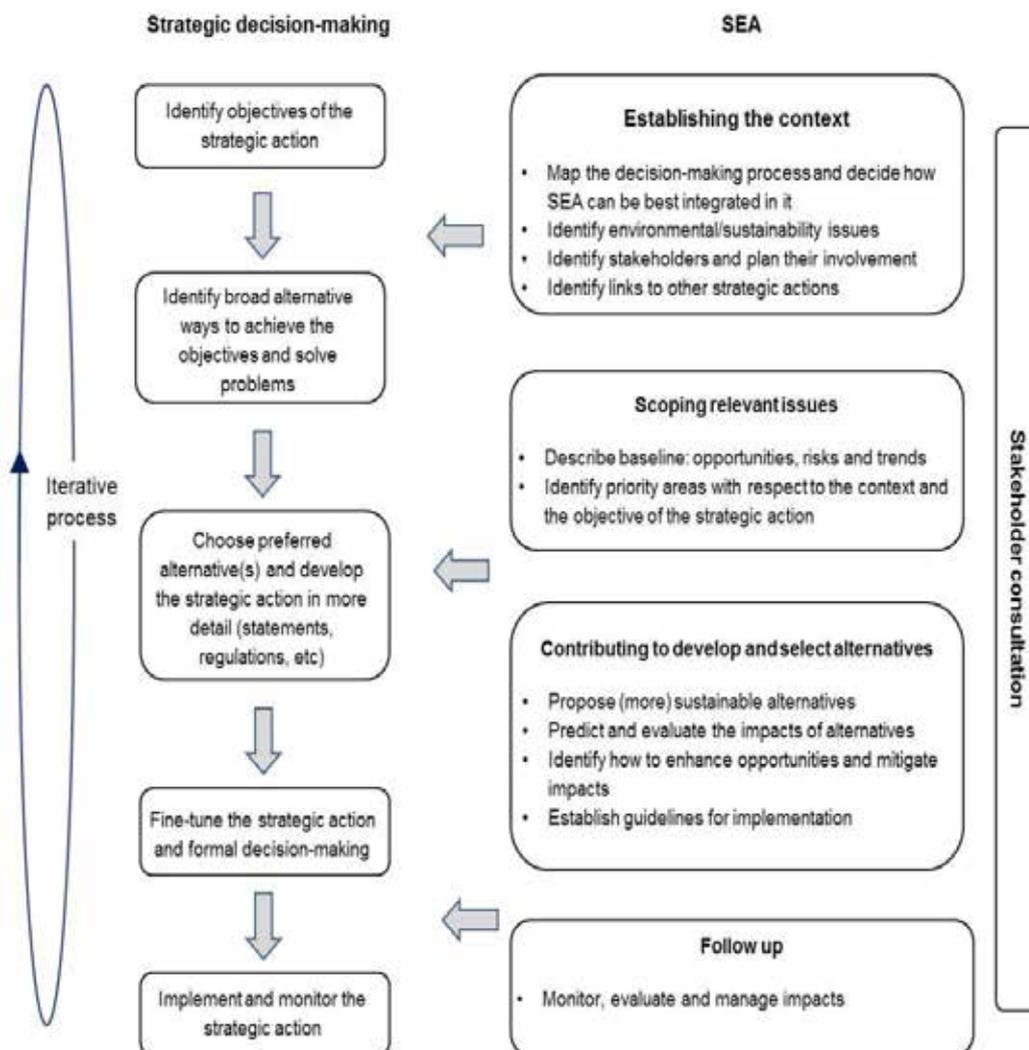
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<sup>10</sup>On this matter see European Commission (2013), *Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment*.

<sup>11</sup>The Hyogo Framework for Action (2005) draws from this principle to incentivise the steps towards implementation of appropriate measures for disaster risk reduction, collaborating to build the resilience of Nations and local communities.

<sup>12</sup>European Commission (2013) *Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment, European Union*, p.21 [<http://ec.europa.eu/environment/eia/sea-support.htm>]

Fig 1.3.1 SEA as part of the strategic planning process



Source: UNEP (2014) *Integrating ecosystem services in Strategic Environmental Assessment: A guide for practitioners*

## II. SEA METHODOLOGY FOR KOSOVO SPATIAL PLANS

Inclusive spatial planning approaches should impact on sustainable development, balancing human/social development with environmental and economic development. Tools for identifying environmental impacts may comprise checklists, matrices, network analysis, overlays and geographical information systems (GIS), expert systems and/or professional judgement. The criteria for choosing a specific tool should be based on the type and size of the proposal, the types of alternatives being considered, the nature and extent of likely impacts, the availability of impact identification methods, the experience of the team and the resources available (cost, information, time, personnel).<sup>13</sup>

While different methodological approaches for Strategic Environmental Assessment allow for different possibilities of influencing strategic decision, the International Association for Impact Assessment<sup>14</sup> states that the SEA process should present the following performance criteria:

- Be Integrative (ensuring an appropriate environmental assessment of all strategic decisions relevant for the achievement of sustainable development; addressing the interrelationships of biophysical, social and economic aspects and considering policies in relevant sectors and transboundary regions);
  - Be sustainability-led, facilitating the identification of development options and alternative proposals that are more sustainable.
  - Be focused, providing sufficient, reliable and usable information for development planning and decision making, concentrating on key issues of sustainable development, adapted to the circumstances of the decision making process and be cost- and time-effective.
  - Be accountable (by being the responsibility of the leading agencies for the strategic decision to be taken, being carried out with professionalism, rigor, fairness, impartiality and balance, being subject to independent checks and verification, documenting and justifying how sustainability issues were addressed in decision making).
  - Be participative, informing and involving interested and affected public and government bodies throughout the decision making process, addressing their inputs and concerns in documentation and decision making, providing clear, easily-understood information requirements and ensuring sufficient access to all relevant information.
  - Be iterative, insuring availability of the assessment results early enough to influence the decision making process and inspire future planning, providing sufficient information on the actual impacts of implementing a strategic decision, to evaluate whether this decision should be amended and to provide a basis for future decisions.

### 2.1 Screening

#### 2.1.1 When IS SEA for spatial planning required?

According to Kosovo SEA Law, SEA applies only to plans and programmes (PP) subject to preparation and/or adoption by an authority at national, regional or local level; or PP that are prepared by an authority for adoption through a legislative, regulatory or administrative procedure by Parliament or Government. Additionally, it does not apply to PP for the following sectors: national defence, civil emergency, financial matters and budget.

SEA in Kosovo is mandatory for the following cases<sup>15</sup>:

1. Plans and Programmes (PPs) that are prepared for spatial planning, city planning, land use, agriculture, forestry, fisheries, hunting, energy, industry, mines, traffic, waste management, water management, telecommunication, tourism, and that give a frame for future development projects which undergo EIA according to the EIA Law;

<sup>13</sup> On this subject see *Regional Environmental Center for Central and Eastern Europe (2003) EIA training resource manual for South Eastern Europe, Szentendre, REC 2003*

<sup>14</sup> *International Association for Impact Assessment (2002) Strategic Environmental Assessment: Performance Criteria, IAIA Special Publication Series No. 1 [Available from: <http://www.iaia.org/publicdocuments/special-publications/sp1.pdf>]*

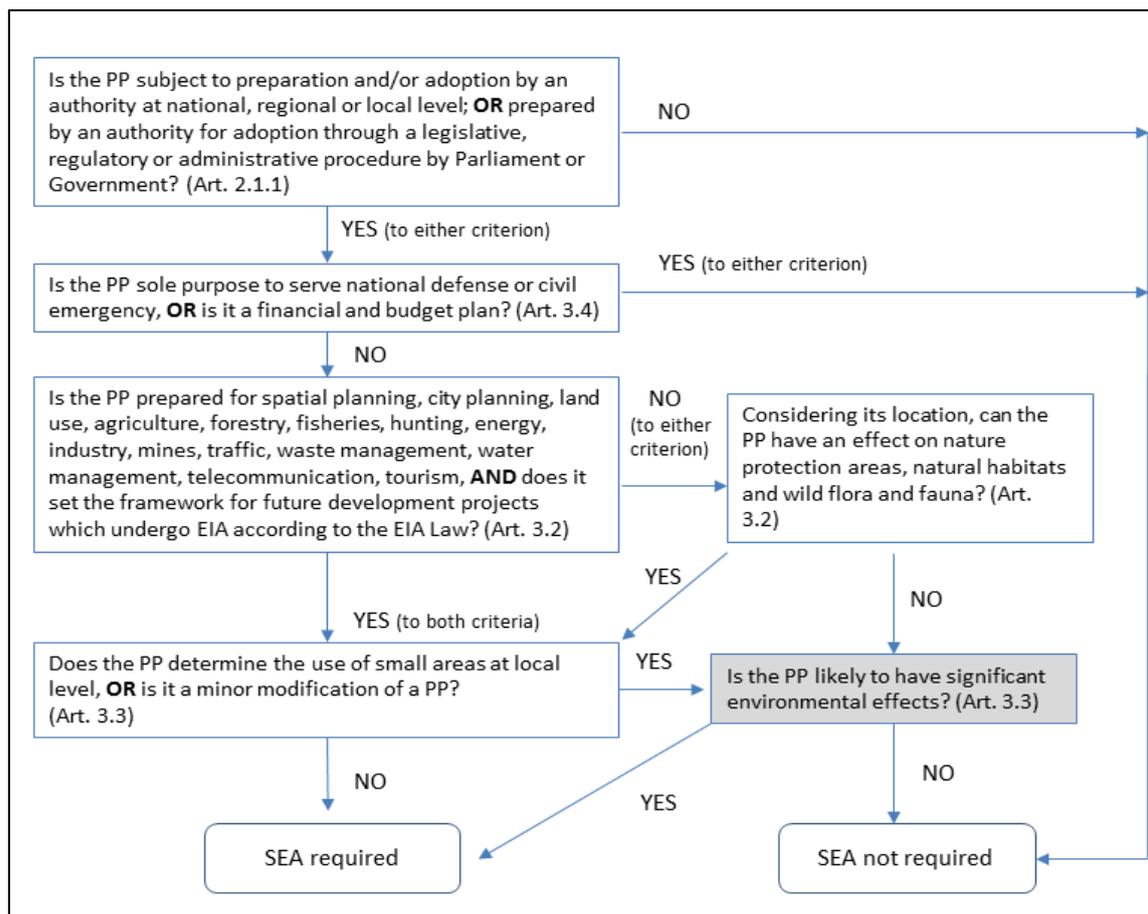
<sup>15</sup> *These conditions are similar to the ones set by the SEA Directive, even though there are some differences, the most important ones being: a) The SEA Directive limits the PPs subject to SEA under condition 2 to the areas protected according to the Habitat Directive (i.e., the so-called Natura 2000 sites), whereas the Kosovo SEA Law is more general, and addresses all nature protected areas, but also natural habitats and wilds flora and fauna, even if not protected; and b) The SEA Directive limits PPs subject to SEA under condition 3 to those that "set the framework to future development consent", whereas the Kosovo Law does not introduce this condition.*

2. PP that, taking into the consideration the location in which they are to be implemented, may have an effect on nature protected zones, on nature habitats and in wild flora and fauna.
3. Other types of PP, only if they are determined by “screening” (i.e. case-by-case determination procedures) as being likely to have significant environmental effects;
4. Minor modifications of PP and PP for small area at the local level, only if they are determined by “screening” as being likely to have significant environmental effects.

An important remark is that condition 1 specifies that SEA is required for certain sectors of PP, but only if they give a frame for future development projects which undergo EIA according to the EIA Law. The meaning of “give a frame for future development projects” is crucial to the interpretation, although there is no definition in the text. The same happened with the SEA Directive but it was later clarified that to set the framework “normally means that the plan or programme contains criteria or conditions which guide the way the consenting authority decides an application for development consent. Such criteria could place limits on the type of activity or development which is to be permitted in a given area; or they could contain conditions which must be met by the applicant if permission is to be granted; or they could be designed to preserve certain characteristics of the area concerned (such as the mixture of land uses which promotes the economic vitality of the area).”<sup>16</sup> A similar interpretation should then apply also to the Kosovo SEA Law.

The flowchart/figure below illustrates the process to be followed to determine if SEA is required for a given PP. The box highlighted in gray refers to the case-by-case determination (also called “screening”), which is to be used to decide whether SEA is required or not for certain types of PP. This is expanded in the next section.

**Fig 2.1.1 Application of the SEA law to plans and programmes (PP)**



<sup>16</sup> European Commission (2003) Implementation of Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment, Brussels, p. 10, [http://ec.europa.eu/environment/eia/pdf/030923\_sea\_guidance.pdf]

Considering the remarks above, and considering that spatial planning and city planning are specifically mentioned as fields where the SEA Directive applies, it can be concluded that **SEA in Kosovo is mandatory for the following spatial planning documents:**

- At the central level:
  - Spatial Plan of Kosovo
  - Zoning Map of Kosovo
  - Spatial Plan for Special Zones
- At the local level:
  - Municipal Development Plan
  - Municipal Zoning Map

Municipal Zoning Maps are included in the list by virtue of the conditions set in Kosovo SEA legislation<sup>17</sup>. For example, by identifying future housing, mixed use and industrial sectors (which are typical provisions of a zoning map), a plan is setting the frame for future development projects which will undergo EIA, hence it needs to be subject to SEA. Minor modifications of the planning documents listed above, or planning documents that determine the use of small areas at the local level, undergo SEA only if they are determined by “screening” as being likely to have significant environmental effects, as described in the next section.

### 2.1.2 When to do screening?

The case-by-case determination (“screening”) of whether SEA is required or not is regulated by Article 5 of the SEA Law. This determination is undertaken for:

- PP of the types for which SEA is required (see 2.1.1) if they determine the use of small areas at local level, or if they are minor modifications that do not require a regular procedure for ratification;
- PP of other types (the Law uses the words “plans and programmes which are not appointed on paragraph 2 of Article 3”). As such, it can potentially include any other plan (with the exclusion of the ones falling in the categories of Article 3.4 (national defence, civil emergency, etc)).

To clarify the meaning of key terms such as “small areas”, “local level”, and “minor modifications”, the EC guidance can be referred to:

- ‘Small areas at local level’ should be decided case by case and interpretation will call for the careful exercise of judgment. The kind of PP envisaged might be a “building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design;”<sup>18</sup>
- Regarding the expression ‘local level’, even though the legislation does not establish a clear link with local authorities, the word ‘level’ implies a contrast with, for example, national or regional levels. Therefore, the intention of the full expression ‘small areas at local level’ is that a PP for the whole territory of a local authority area should not be excluded from SEA;<sup>19, 19</sup>
- Minor modifications may be considered in regard to the likelihood of their having significant environmental effects. Article 3 of the SEA Directive clarifies that “a modification may be of such small order that it is unlikely to have significant environmental effects”. “Where the modification of a plan or programme is likely to have significant environmental effects then an assessment should be carried out regardless of the scale of the modification.”<sup>19</sup>

Considering the remark above, it can be concluded that in principle screening can be undertaken for minor modifications that do not require a regular procedure for ratification of all the spatial planning documents that normally require SEA, namely:

- At central level:
  - Spatial Plan of Kosovo
  - Zoning Map of Kosovo
  - Spatial Plan for Special Zones

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<sup>17</sup>See also explanation in screening provided above, 2.1, condition 1.

<sup>18</sup> European Commission (2013) *Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment*, European Union [<http://ec.europa.eu/environment/ei/sea-support.htm>]

<sup>19</sup>Unless the municipality is itself small, in which case a screening procedure may be advisable to determine the need for SEA.

- At local level:
  - Municipal Development Plan
  - Municipal Zoning Map
  - Detailed Regulatory Plans

However, for most modifications of spatial planning documents at central level it might be more appropriate to undertake directly the SEA procedure, given the typically large areas and population involved.

### 2.1.3 How to perform screening?

Screening is performed by the responsible authority, after having consulted the consultation bodies. The authority produces a statement containing the reasons for the determination, which should be based on the criteria identified in the SEA Law – Annex 1. These criteria are divided into two groups.

The first group includes criteria that refer to the characteristics of the plan or programme:

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

The second group includes criteria that refer to the characteristics of the effects and of the areas likely to be affected:

- The probability, duration, frequency and reversibility of the effects;
- The cumulative nature of the effects;
- The trans-boundary nature of the effects;
- The risks to human health or the environment (e.g. due to accidents);
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- The value and vulnerability of the area likely to be affected due to:
  - Special natural characteristics or cultural heritage,
  - Exceeded environmental quality standards or limit values,
  - Intensive land-use;
- The effects on areas or landscapes which have a recognised national, European Community or international protection status.

In order to support the responsible authority in producing the statement concerning the determination, this guidance proposes the use of two simple checklists given in the tables below. These checklists help to identify the issues of concern, and report them in a concise form that can be used to interact with the consultation bodies, and to reach a conclusion on whether a given plan or programme should undergo SEA or not. The filled checklists could be then attached as annexes to the final statement.

**Table 2.1.1 Characteristics of the plan or programme. For each of the five criteria listed in Annex 1 of the SEA Law, a yes/no question is provided. In case the answer is positive, a few more specific questions are provided.**

Criterion 1		
<i>Does the PP set the framework for projects and other activities?</i>	<i>Yes</i>	<i>No</i>
- <i>For what kind of projects/activities (e.g., natural resource extraction, land use, [insert comment] transportation, infrastructure and services, urban settlements, agriculture, etc)?</i>		

-	<i>Are those projects/activities listed in the EIA legislation?</i>	Yes	No
<b>Criterion 2</b>			
<i>Does the PP influence other PP?</i>			
-	<i>Which PP and for what sector?</i>	[insert comment]	
-	<i>Are these PP at national or local level?</i>	[insert comment]	
-	<i>Is the influence bound to interfere with the achievements of the environmental quality objectives of these PP (e.g., as specified in their SEA)?</i>	[insert comment]	
<b>Criterion 3</b>			
<i>Is the PP relevant in terms of integrating environmental considerations?</i>			
-	<i>What environmental/sustainability issues does the PP address? (e.g., water, waste, energy, biodiversity, etc.)</i>	[insert comment]	
-	<i>Are these issues considered as priorities in the affected area by existing policy and planning framework (e.g., goals set by the Kosovo Spatial Plan or by Municipal Development Plan)?</i>	[insert comment]	
<b>Criterion 4</b>			
<i>Are there environmental problems relevant to the PP</i>			
-	<i>Which ones?</i>	[insert comment]	
-	<i>Are these problems considered a priority issue in the affected area (e.g., by existing planning and policy tools)?</i>	[insert comment]	
<b>Criterion 5</b>			
<i>Is the PP relevant for the implementation of European Union legislation on the environment?</i>			
-	<i>Which legislation (e.g. EU Directive) and for what sector?</i>	[insert comment]	
-	<i>What is the current state of implementation of that legislation in Kosovo (e.g., missing, existing but not fully implemented, etc)</i>	[insert comment]	

**Table 2.1.2 Characteristics of the effects and the area likely to be affected**

	Biodiversity , flora and fauna	Populatio n and human health	Soil and water	Air and climate	Material assets, cultural heritage and landscape
<b>Criterion 1</b>					
<i>Probability of the effects</i>					
<i>Duration of the effects</i>					
<i>Frequency of the effects</i>					
<i>Reversibility of the effects</i>					
<i>Cumulative nature of the effects</i>					
<i>Transboundary nature of the effects</i>					
<i>Magnitude and spatial extent of the effects (geographical area and size of the affected population)</i>					

<b>Criterion 2</b>	
<i>Does the PP pose a risks to human health or the environment (e.g. due to accidents)?</i>	<i>[yes/no]</i>
- <i>What kind of threat and how likely is it?</i>	<i>[insert comment]</i>
- <i>What environmental component/human health aspects are likely to be affected?</i>	<i>[insert comment]</i>
<b>Criterion 3</b>	
<i>Does the area have special natural characteristics or cultural heritage?</i>	<i>[yes/no]</i>
- <i>Which ones?</i>	<i>[insert comment]</i>
- <i>Are they valuable and/or vulnerable?</i>	<i>[insert comment]</i>
<i>Has the area exceeded environmental quality standards or threshold values?</i>	<i>[yes/no]</i>
- <i>Which ones and for how long?</i>	<i>[insert comment]</i>
- <i>Does the area have a large population?</i>	<i>[insert comment]</i>
<i>Is the area characterized by intensive land-use?</i>	<i>[insert comment]</i>
<b>Criterion 4</b>	
<i>Will the PP cause effects in areas or landscapes which have a recognized national, EU or international value?</i>	<i>[insert comment]</i>
- <i>Which ones?</i>	
- <i>Under which act are they protected?</i>	

The first group of criteria are assessed against the environmental issues listed in Annex II of the SEA legislation. The purpose is to provide a qualitative estimate of the type of effects that the plan or programme is likely to produce on the different environmental issues. This estimate can be provided through comments, or by using a qualitative scale, such as +++/---, where +++ refers to a major positive benefit, and --- means a significant negative change. The remaining criteria are assessed through a yes/no answer, followed by more specific questions, in case the answer is positive.

## 2.2 Scoping

The first stage of the SEA process consists of the presentation and assessment of the current situation of the addressed territory and decision on the scope of the report (level of detailing and expected factors to be assessed). The main activities during this stage are data gathering, identification of the development potentialities and the identification of the main challenges and needs. It is important that key issues are identified at this initial stage, which will be a basis to identify future development goals and objectives. The definition of the context and objectives of evaluation seeks the strategic profile with special attention to its dimension, strengths and strategic objectives. The review of critical factors to structure strategic assessment is a result of the context and scale in which the SEA is conducted, in regard to the integration of the following elements (baseline and scope):

1. the environmental protection objectives, established at international, European Community or national level, which are relevant to the plan and the way those objectives and any environmental considerations have been taken into account during its preparation;
2. relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme and the environmental characteristics of areas likely to be significantly affected;
3. existing environmental problems which are relevant to the plan including, in particular, those relating to areas of a particular environmental importance.

The review of national and international directives related to the environment and sustainable development is to be considered with regard to strategic proposals of the Spatial Plan. This cross study will allow for the selection of a set of environmental and sustainability topics. These topics should be further analysed, in order to set criteria, sustainability and indicators for the SEA. The first step of the sustainability appraisal process is hence to look at other relevant plans, policies and programmes, collect baseline information and identify sustainability issues within the territory at stake. This information is then used to develop sustainability objectives and a framework for assessing the plan against.

The scoping report is mandatory for some international legislations (e.g. in Italy for the Lombardy region and in the UK), but not under the Kosovo Law. However, it is recommended to produce it because: 1) it helps directing and managing the consultation process, and 2) it provides a first and tangible contribution of the SEA process, which can be brought to the attention of planners and decision-makers.

As a best practice, it is also recommended (and mandatory under some international legislation) to hold a public debate at this stage, by presenting the scoping report in a meeting, to which both the consultation bodies and the general public are invited. An early engagement of the public is likely to improve the participation process along the SEA/planning, to allow prompt identification of tensions and conflicts, to stimulate a more productive and positive interaction, and to eventually facilitate decision-making later on.

## 2.3 Consultation

Consultation is an important element of SEA, and this is reflected in the SEA Law. The Law makes it clear that consultation is an inseparable part of the environmental assessment, and that the results of the consultation have to be taken into account during decision-making. As stated in the EC guidance on SEA, “one of the reasons for consultation is to contribute to the quality of the information available to those responsible for the decisions that are made concerning the plan or programme. Consultation might sometimes reveal important new information which leads to substantial changes to the plan or programme and consequently its likely significant environmental effects. If so, it might be necessary to consider a revision of the report and, if the changes justified it, fresh consultation”.<sup>20</sup>

Generally, consultation processes for spatial planning at national level require the involvement of a large number of national authorities and bodies, from different sectors and fields. On the contrary, at the local level, this number is usually much smaller, and dependent on the specific characteristics and issues of concern of the municipality (e.g., the Department of Water can be a relevant body if the municipality includes a strategic watershed for water security, or the Geological Agency if the municipality includes areas exposed to significant geological risk). In municipal-level consultation processes, local actors should obviously play a larger role. These include a variety of formal and informal organizations that are involved in activities on the ground in the municipality area (e.g. third sector, educational institutions, neighbourhood alliances, etc) or that share more general concerns, that may be relevant for the area (e.g., environmental protection associations). Other consultation bodies may include local chapters of professional associations. At the national level, the consultation bodies are typically scale-up to include nationally-relevant associations and groups of concern. This is to ensure that participants are involved at appropriate levels. For example, it is often difficult for local representative groups to take a regional or national perspective, when their work and interests are focused on a particular municipality or even neighbourhood. Similarly, national-level bodies may be less familiar with local issues.

### 2.3.1 Consultation requirements

The consultation provisions oblige to grant an opportunity to certain authorities and members of the public to express their opinion at different stages of the process, and after the preparation of the SEA report and the draft plan or programme. More specifically, the SEA Law contains the following requirements for consultation:

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<sup>20</sup> European Commission (2003) *Implementation of Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment*, Brussels [[http://ec.europa.eu/environment/eia/pdf/030923\\_sea\\_guidance.pdf](http://ec.europa.eu/environment/eia/pdf/030923_sea_guidance.pdf)]

- Bodies which, because of their environmental responsibilities, are likely to be concerned by the effects of implementing the plan or programme, must be consulted on the scope and level of detail of the information to be included in the SEA Report.

- The public and the Consultation Bodies must be consulted on the draft plan or programme and the Environmental Report, and must be given an early and effective opportunity within appropriate time frames to express their opinions.

- Other countries must be consulted if the plan or programme is likely to have significant effects on the environment in their territories.

- The Consultation Bodies must also be consulted on screening determinations on whether SEA is needed for plans or programmes

- All consulted bodies, foreign authorities and the public should be granted access to the information, and should be informed about the decision.

The consultation requirements are detailed in Table 2.3.1, which is adapted to the Kosovo legislation from the European Commission guidance on the SEA Directive.<sup>21</sup>

**Table 2.3.1 Overview of the consultation requirements for the different stages of SEA**

Stages of SEA	Consultation requirements	Additional requirements in transboundary situations
Determination if a plan or programme requires an SEA	<i>Consultation of consultation bodies if case-by-case examination (“screening”) is required (Art. 5.2)</i>  <i>Information made available to the public through a website and public announcements (Art. 6.3)</i>	
Decision on scope and level of detail of the assessment	<i>Consultation of consultation bodies (Art. 7)</i>	
SEA report and draft plan or programme	<i>Information made available to the public (Art. 8)</i>  <i>Consultation of consultation bodies (Art. 8)</i>  <i>Consultation of the public and the persons who are affected or likely to be affected by, or have an interest in, the decisions involved in the plan or programme (Art. 8)</i>  <i>Public debate (Art. 9)</i>	<i>Information made available to the country concerned (Art. 10.3)</i>  <i>Consultation of authorities, the public and environmental non-governmental organizations (Art. 10.4)</i>
During preparation of plan or programme	<i>Take account of opinions expressed under Art. 8 (Art. 14)</i>	<i>Take account of opinions expressed under Art. 10 (Art. 14)</i>
Adoption of plan or programme	<i>Report on the participation of the public, the consultation bodies and the public debate sent to the Ministry for Consent</i>  <i>Information made available to consultation bodies and the public (Art. 15)</i>	<i>Information made available to the country authorities (Art. 15)</i>

### 2.3.2 Consultation bodies and the public

Consultation bodies are defined by the SEA Law as the Ministry of Environment and Spatial Planning and any other bodies designated by law as having specific environmental responsibilities and which the Ministry considers as likely to be concerned by the proposed plan or programme. In case when the Ministry is the responsible authority of the plan or program, then the Commission shall be consulted (the body proposed by the Ministry and approved by the Government in accordance with Law on SEA). A list of possible consultation bodies for the Kosovo context is presented in the table below. This list is not necessarily exhaustive, and some of the proposed bodies might not be relevant in all SEA processes. As such, the list represents a general reference that can be used at the beginning of the SEA to identify the set of relevant consultation bodies. Lists of consultation bodies will typically expand and change as the SEA progresses and issues emerge or cease to be relevant.<sup>21</sup>

**Table 2.3.2 List of possible consultation bodies**

<b>The List of possible Consultation bodies depending on a case and context</b>
- Ministry of Environment and Spatial Planning (MESP)
- Ministry of Agriculture, Forest and Rural Development (MAFRD) - Food and Veterinary Agency (under Government)
- Kosovo Energy Efficiency Agency - under Ministry of Economic Development (MED)
- Ministry of Culture, Youth and Sport
- Ministry of Health (MH)
- Kosovo Environmental Protection Agency (under MESP)
- National Institute of Public Health (under MH)
- Agency for agriculture development (under MAFRD)
- Kosovo Forestry Agency (under MAFRD) - National Park Authority (under MESP)
- Kosovo Geological Agency (under MED)
- Department of Water (under MESP)
- Division of waste management, (under Department of Environmental Protection, MESP)
- Institute of Nature Protection (under KEPA, under MESP) - National Park Authority
-Country (neighbouring) to which the implementation of plan or program may cause a significant effects into its environment

In addition to the consultation bodies, the law provides for the involvement of the public, defined as “one or more legal persons, and their associations, organizations and groups”. All associations, organizations and groups (e.g., environmental NGOs, farmer associations, neighbourhood associations, business networks, cultural associations, etc) who are likely to have an interest in the decisions involved in the assessment should be informed, and involved in the consultation process.

### 2.3.3 Recommendations

It may be useful to prepare, early in the SEA, a tentative outline of how consultation will be conducted. This outline should clarify how the SEA Law’s requirements will be met, and whether the consultation for SEA will be part of the wider consultation strategy for the plan or programme.<sup>22</sup> The outline should also indicate: 1)What information

<sup>21</sup>Office of the Deputy Prime-Minister (2005) *A Practical Guide to the Strategic Environmental Assessment Directive*, London, ODPM Publications

<sup>22</sup>Office of the Deputy Prime-Minister (2005) *A Practical Guide to the Strategic Environmental Assessment Directive*, London, ODPM Publications

and documents will be made available, how they can be obtained; 2) How consultation responses will be considered, and how the Responsible Authority will provide feedback to consultees; 3) What consultation activities will be conducted.

With respect to the last point, a number of approaches and techniques can be used to support consultation processes. These include (a comprehensive overview and description can be found in UNEP<sup>23</sup>):

- Public meetings, open houses, advisory panels;
- Interviews, questionnaires, household surveys;
- Participatory appraisal techniques, stakeholder analysis and mapping;
- Focus group, newsletters, social networks.

Choosing a form of consultation will depend upon the skills and knowledge available, budget and time constraints, the specific issues at stake and the local context. Additionally, one should have in mind the specific objectives of consultation, which may include:<sup>24</sup>

- Obtaining local and traditional knowledge before decision-making;
- Allowing more sensitive consideration of alternatives, mitigation measures and trade-offs;
- Ensuring that important impacts are not overlooked and benefits are maximized;
- Reducing conflict through the early identification of contentious issues;
- Creating a sense of ownership of the plan or programme;
- Integrating gender differences in resources use;
- Improving transparency and accountability of decision-making;
- Increasing public confidence in the SEA and plan making process.

Additionally, the following potential constraints may hamper effective participation, and should be carefully considered when designing consultation activities<sup>25</sup>:

- Poverty: involvement means time spent away from income-generating activities;
- Rural settings: long distances make communication more difficult and expensive;
- Culture and gender issues: behavioural norms or cultural practice can inhibit involvement of some groups (e.g., women);
- Interest groups: may have conflicting or divergent views, and vested interests.

Finally, it is important to ensure that participants are involved at appropriate scales and levels. For example, it is often difficult for local representative groups to take a regional perspective, when their work and interests are focused on a particular municipality or even neighbourhood. Similarly, national-level bodies may be less familiar with local issues.<sup>23</sup>

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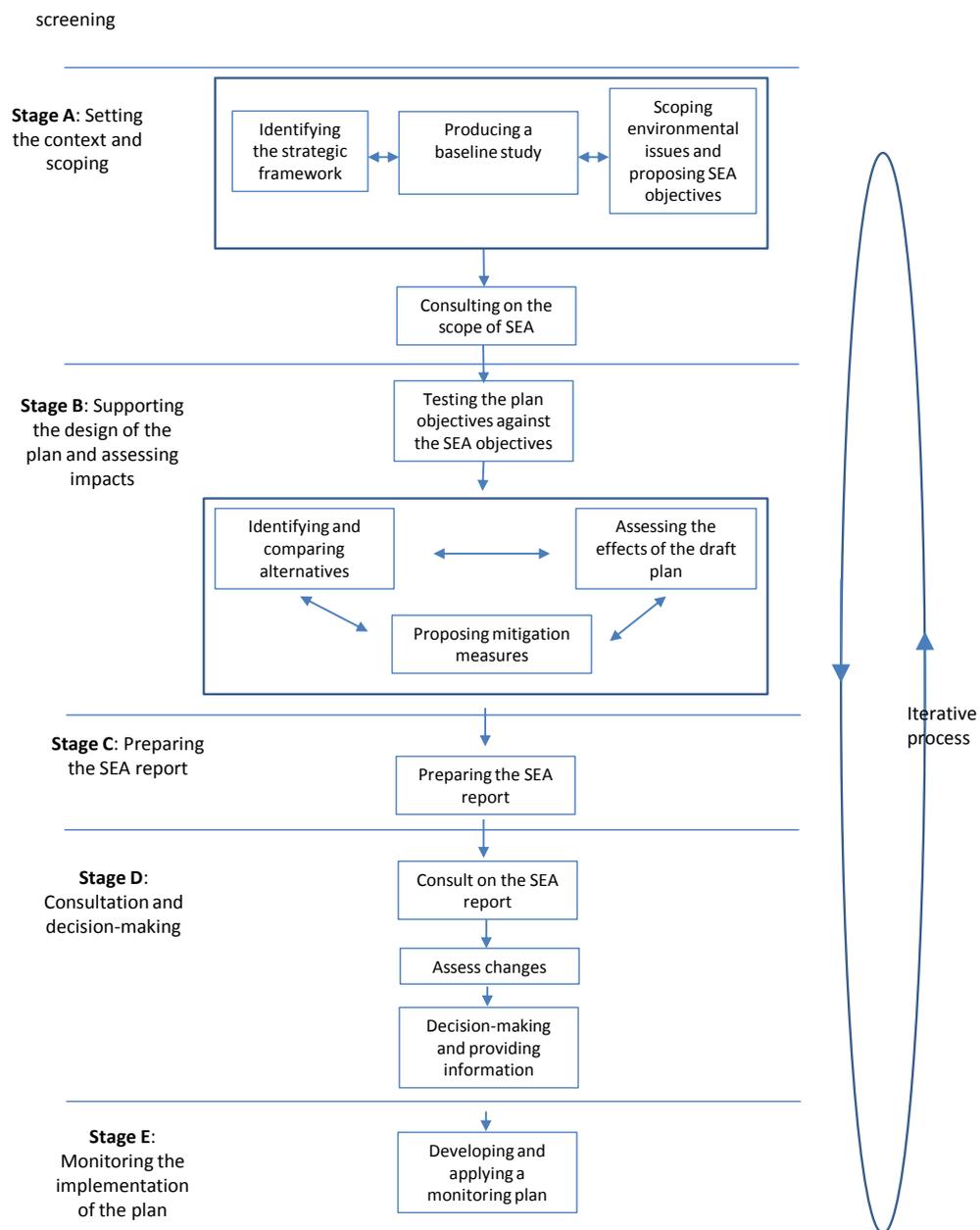
<sup>23</sup>UNEP (2009) *Integrated Assessment for Mainstreaming Sustainability into Policymaking: A Guidance Manual* [<http://www.unep.ch/ETb/publications/AI%20guidance%202009/UNEP%20IA%20final.pdf>]

<sup>24</sup>ABAZA, H., BISSET, R., SADLER, B. (2004) *Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach*, UNEP

### III. STAGES OF STRATEGIC ENVIRONMENTAL ASSESSMENT

This chapter provides step-by-step guidance on how to perform SEA, with specific reference to the spatial planning sector. The guidance is structured into 5 main stages, and a number of key tasks associated to each stage (see Figure 3,1,1). The stages and tasks are sufficiently broad to be applicable to any SEA. However, SEA needs to be flexible and tailored to the needs and context of the specific planning exercise, considering issues such as time and resource constraints, data availability, characteristics of the decisions and provisions of the plan. The stages are proposed in a sequence, which follows the ideal sequence of planning stages. In practice both the planning and SEA processes are hardly linear, and many iterations and feedback among the different stages and tasks are usually necessary.

**Fig 3.1.1 SEA stages and tasks proposed in this guidance**



The methodological approach used for the development of these guidelines followed the international and European recommendations, including the consideration of the necessary stages to perform the evaluation:

*Stage A: Setting the context and scoping*

This stage identifies the strategic framework, producing a baseline study for future reference and identifies the main environmental issues at stake and objectives. Key environmental stakeholders who will be participating in the process may also be identified and analysed during this process, with particular care for gender sensitive analysis. The ways of involvement of the stakeholders in the field of the environment and a preliminary understanding of their views regarding key environmental issues can also be established at this point, as a foundation for future development of the process. The main question is to address and identify the key environmental issues, including climate change and/or biodiversity issues and to delimitate the current situation in what regards the environment (relating also to aspects related to climate change and biodiversity) and how it is likely to change in the future. The policy context should be clearly defined and the objectives and targets set.

*Stage B: Supporting the design of the plan and assessing impacts*

After presentation of the first baseline information available and decision on the scope of the report (level of detailing and expected factors to be assessed), the PP's objectives and programmed actions should be analysed. At this stage, the spatial plan or programme will be tested to identify potential synergies or inconsistencies between its objectives against the SEA objectives. The analysis should collaborate to refine strategic actions and predict the significant environmental effects of the PP. It is an important stage, where mitigating options are considered. Kosovo's Law on Strategic Environmental Assessment provides a list of relevant criteria for determining the likely significance of planning effects on the environment (in its Annex 1).

At this stage proposed scenarios should be evaluated in terms of the possible impact of the proposed objectives and actions on critical environmental issues. This may help to evaluate the predicted effects of the plan and its programmed actions, and assist in the refinement of the plan by introducing potential implementation alternatives and considering mitigation measures for any negative impacts identified. The evaluation procedures derive from established practice, putting emphasis on mitigation and enhancement measures. Kosovo's Law on SEA also requires the analysis of effects to include "short, medium and long-term, permanent and temporary effects". Effects may vary over different timescales, and although causing an impact in the short term, may contribute in the long term for example in reductions in air pollution or greenhouse gases.

*Stage C: Preparing the SEA Report*

The following step is to present the predicted environmental effects of the plan or programme, in the form of a report which includes alternatives, and is suitable for public consultation and use by decision-makers. It is important that the report clearly explains how the different alternatives have been assessed, how the key issues were identified, how uncertainty has been managed, etc..

*Stage D: Consultation and decision-making*

Kosovo's Law on Strategic Environmental Assessment requires the information in the SEA Report and the responses to consultation to be taken into account during the preparation of the plan or programme and before the final decision is taken to adopt it (article 14). Responsible Authorities must produce a summary of how they have taken these findings into account, and how environmental considerations have been integrated into the plan or programme, with enough information to make clear any changes made or alternatives rejected.

The Law states:

*"Article 14*

*Adoption of the plan or programme*

*The responsible authority shall take in account the SEA report, the results of consultation including any transboundary consultation, during the preparation of the plan or programme and before its adoption.*

#### *Article 15*

##### *Information on the decision*

*1. Once a plan or programme for which a strategic environmental assessment has been carried out has been adopted, the responsible authority shall inform the consultation authorities, the public, the persons who were consulted for the purposes of Article 9 sub-paragraph 2.2 of this Article and the Minister of the fact that the plan or programme has been adopted, the date of its adoption, the address, which may include a website where a copy of it and its accompanying SEA report,*

*2. The Minister shall inform the country with which consultations in relation to the plan or programme have taken place of the matters referred to in paragraph 1 of this Article.*

*3. The particulars referred to in paragraph 1 of this Article, are:*

*3.1. how environmental considerations have been integrated into the plan or programme;*

*3.2. how are integrated the environmental issues in plan or programme;*

*3.3. how the opinions of the consultation authorities, the public including the public consultees, and any views expressed as a result of transboundary consultations have been taken into account;*

*3.4. the reasons for choosing the plan or programme from a review of the reasonable alternatives; and*

*3.5. the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.”*

##### *Stage E: Monitoring the implementation of the Plan*

At this stage, the environmental performance of the plan will be assessed, according to the previously established monitoring system for the plan's implementation. The effects on climate change and biodiversity should also be monitored, along with the implementation of mitigation measures and environmental management.

### **3.1 Stage A: Setting the context and objectives, establishing the baseline and scoping**

The SEA process is most effective when started at the same time of the preparation of the plan. Ideally, this stage is performed in the very early planning stages, and aims at providing the background information for the SEA that can be used to guide the identification of the main issues and objectives of the plan.

This stage includes the following key tasks:

- a. Identifying the strategic framework
- b. Producing a baseline study
- c. Scoping environmental issues and proposing SEA objectives
- d. Consulting on the scope of SEA

#### **3.1.1 Identifying the strategic framework**

**Purpose.** The purpose is to provide information on other relevant plans and programmes (SEA Law, Annex I, item 1.2), as well as on environmental protection objectives established at national, EC and international level (SEA Law, Annex I, item 1.5) that need to be taken into account during the plan preparation.

**How?** First, a list of relevant plans and programmes, as well as environmental objectives, should be made. Then, specific elements that are important for the plan under consideration should be highlighted. Those elements should be brought to the attention of the planners, in order to reduce conflicts and exploit synergies between the plan and the existing strategic framework.

Relevant plans and programmes for the Kosovo context may include:

- Kosovo Spatial Plan and Kosovo Zoning Map;
- Spatial Plan of Special Zones;

- Municipal Development Plans of neighbouring municipalities;
- Plans for specific sectors or activities, such as Transport Plan, Housing Plan, Waste Management Plan, Water Management Plan, Air Quality Plan, Environmental Action Plan, Mineral Industry Plan, Energy Plan, Economic Development Plan (at different geographical levels).

Relevant environmental protection objectives may be set by policies or regulations, such as for example:

- National legislation (e.g., Law No. 02/L-26 on agricultural land; Law No. 02/L-102 on noise protection; Law No.03/L-025 on environmental protection; Law No. 03/L-043 on integrated prevention pollution control; Law No. 03/L-104 on protection from non-ionized, ionized radiation and nuclear security; Law No. 03/L-160 on air protection from pollution; Law No.03/L-233 of nature protection; Law No.04/L-147 on Waters of Kosovo;
- EC Directives (e.g., Birds Directive, Habitat Directive, Landfill Directive, Floods Directive, Water Framework Directive, Integrated pollution prevention and control Directive, Waste Framework Directive);
- International agreements and conventions (e.g., UN framework convention on climate change; Convention on biological diversity).

### 3.1.2 Producing a baseline study

**Purpose.** The generation of a baseline study with information about the environmental conditions has the purpose of providing the basis for the assessment of the impacts of the plan, and for the subsequent monitoring phase.

**How?** The aspects to be included are listed in Annex 2 (biodiversity, population, human health, flora, fauna, soil, water, air, climatic factors, material assets, cultural and natural heritage, landscape, and their interaction), but the structure of the baseline study and the importance given to the different aspects can be tailored to the specific plan, provided that suitable justifications are given. For example, energy and noise are not explicitly mentioned, but they can be very relevant in many contexts. Biodiversity and climate change issues are becoming increasingly important for SEA. A guidance manual on how to consider them throughout the SEA process can be found in EC (2013).

Typically, the baseline study is conducted by collecting existing information, even though for specific issues it may be required (and advisable, if time and budget allow it) to collect new data through, for example, field surveys. The baseline study should provide a concise overview of each environmental aspect within the planning area, in order to allow answering, in as much detail as possible, the following questions:

- What are the current conditions of the environmental aspect, and what are the likely evolution and trends? For example: the current condition of the land use could be described by pressing the most updated land use map available and a table breaking down the cover percentages of the main land use types. The likely trends could be provided through analysis of past land use maps (if available) or in a more qualitative form by presenting evidence about the main land use conversion that are taking place. This evidence could be collected through brief field survey, and by interviewing informed people.
- Are particularly sensitive or important elements of the receiving environment affected? These may include, for example, natural ecosystems, water bodies, highly populated areas, habitat of rare species, vulnerable sectors of the population (e.g., elderly, children).

Possible sources of information for Kosovo that can be useful in producing the baseline study are listed in Table 3.1.1. For SEA of spatial planning at municipal level, this information can be complemented by data produced by the municipality's technical offices, such as inventories of building construction, citizens complains about noise, odours or other environmental nuisances, information on the distribution and state of maintenance of green areas and public space, data on energy and water consumption and waste production, data about distribution and state of maintenance of water infrastructures, etc.

Finally, spatial information is often useful in SEA for spatial planning, so all relevant thematic maps should be presented and described (e.g., soil quality; river network; protected areas, population density, etc.). This information is typically available at two geographical scales:

- At national level. For example the EULUP<sup>25</sup> database can be very helpful. These data include maps of land cover, agricultural land suitability, groundwater sensitivity and pollution risk, soil erosion sensitivity and risk, flood risk areas, estimated biodiversity values.
- At municipal level. Municipalities should have their own GIS database that may include a broad variety of layers (such as land use, topography, roads, built-up areas, hydrography, administrative boundaries, cadastral boundaries, etc), as well as point features facilities, services and infrastructures (schools, health centres, public spaces, etc.).

**Table 3.1.1 Examples of available sources of information: reports produced at national/sub-national scale that may contain useful data for the baseline study**

Report	Author/agency/source
<i>The state of water in Kosovo</i>	MESP/KEPA
<i>The State of Nature</i>	MESP/KEPA
<i>The State of Waste in Kosovo Report</i>	MESP/KEPA
<i>The state of environment in Kosovo</i>	MESP/KEPA
<i>State of the air report</i>	MESP/KEPA
<i>Kosovo Water Polluters Cadastre</i>	REC Office in Kosovo KEPA
<i>Report on environmental hotspots in Kosovo</i>	MESP/KEPA
<i>Water Security for Central Kosovo, 2012</i>	MESP
<i>Kosovo Biodiversity Assessment, 2003</i>	USAID/Kosovo
<i>Kosovo Country Environmental Analysis. Cost Assessment of Environmental Degradation, Institutional Review, and Public Environmental Expenditure Review</i>	World Bank
<i>Demographic, Social and Reproductive Health Survey in Kosovo, November 2011.</i>	Statistical Office of Kosovo (SOK) Ministry of Public Administration, Supported by UNFPA and UNICEF
<i>Technical report: preliminary identification of Nature 2000 sites in Kosovo</i>	n.a.
<i>Kosovo greenhouse gas emissions 2008 - 2009</i>	UNDP Kosovo
<i>Kosovo and climate change. A Strategic Approach to the Copenhagen Climate Change Conference 2009.</i>	n.a.

### 3.1.3 Scoping environmental issues and proposing SEA objectives

**Purpose.** The baseline study is potentially very broad. In order for the SEA to be effective in supporting the planning process, the focus needs to be narrowed down, by identifying the specific environmental issues (in terms of both problems and opportunities) that are relevant for that context and that planning exercise. This allows to identify specific SEA objectives to address such issues, and to use these objectives as a reference during the drawing of the plan, as well as during its implementation.

**How?** A way to tackle this task consists in compiling a list of environmental problems and a list of environmental opportunities. Problems represent critical issues that we wish the plan to address, and improve (e.g., noise pollution in school areas). Opportunities are elements of the environmental context that can be used by the plan to achieve its

<sup>25</sup>EU project "Further support to land use", European Commission Liaison Office ([www.eulup-ks.org](http://www.eulup-ks.org))

objectives, or anyway to improve the conditions of the inhabitants (e.g., a good stock of open land within the urban fabric can be an opportunity to improve green areas and urban parks).

Problems and opportunities can be identified by:

- Analyzing the baseline study and performing additional surveys and fieldwork;
- Referring to similar previous plans in similar contexts;
- Interviewing local (and supra-local) authorities, technical experts and key informants;
- Consulting consultation bodies and the public (see next task).

Building on the list of problems and opportunities, and having in mind the objectives set by relevant environmental policies or other plans and programmes (see table 3.1.2), a draft list of SEA objectives can be drawn. This can be a simple table with a short description of each objective and the reasons that suggested its inclusion. Objectives can be grouped by themes or sectors (e.g., biodiversity, environmental hazards, urban quality, etc). Whenever possible, an effort should be made to link to each objective one or more indicators (qualitative or quantitative) that can be used to predict the degree of achievement of such objective (see example in table 3.1.2). Analogously, targets can be associated to each objective, which according to the circumstances can be qualitative and general (e.g., improve the current quality of surface water) or quantitative and more specific (increase by 20% the housing stock that complies with energy-efficiency standards).

In order to be manageable and to be effectively used during the SEA and planning processes, the list of objectives should not be too long (as a rule of thumb, less than 15 objectives can be an adequate number for an MDP). The identification of SEA objectives is usually an iterative process. A first set can be proposed, and then discussed and revised internally (among the Sea and planning teams) and then externally (during consultation). However, SEA objectives can still be revised later on, if the evolution of the content of the plan requires it.

**Table 3.1.2 Examples of SEA objectives and indicators**

SEA topic	Possible SEA objectives	Possible indicators
<b>Biodiversity</b>	<ul style="list-style-type: none"> <li>- <i>Avoid damage to designated wildlife and geological sites and protected species</i></li> <li>- <i>Maintain biodiversity, avoiding irreversible losses</i></li> <li>- <i>Restore the full range of characteristic habitats and species to viable levels</i></li> <li>- <i>Reverse the long term decline in farmland birds</i></li> <li>- <i>Ensure the sustainable management of key wildlife sites and the ecological processes on which they depend</i></li> <li>- <i>Provide opportunities for people to come into contact with and appreciate wildlife and wild places</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>Reported levels of damage to designated sites/species</i></li> <li>- <i>Achievement of Biodiversity protection targets</i></li> <li>- <i>Reported condition of nationally important wildlife sites and nature sanctuaries</i></li> <li>- <i>Number/area of protected area</i></li> </ul>
<b>Population and human health</b>	<ul style="list-style-type: none"> <li>- <i>Create conditions to improve health and reduce health inequalities</i></li> <li>- <i>Promote healthy living</i></li> <li>- <i>Protect and enhance human health</i></li> <li>- <i>Reduce and prevent crime, reduce fear of crime</i></li> <li>- <i>Decrease noise and vibration</i></li> <li>- <i>Increase opportunities for indoor recreation and exercise</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>Size of population</i></li> <li>- <i>Changes in demography</i></li> <li>- <i>Years of healthy life expectancy / infant mortality rate</i></li> <li>- <i>Recorded crimes per 1,000 population</i></li> <li>- <i>Fear of crime / surveys</i></li> <li>- <i>Number of transport/pedestrian/cyclist road accidents</i></li> <li>- <i>Number of people affected by ambient noise levels</i></li> <li>- <i>Proportion of tranquil areas</i></li> <li>- <i>Percentage of population living in most</i></li> </ul>

		<i>deprived areas/reliant on key benefits/income deprived</i>
<b>Water and soil</b>	<ul style="list-style-type: none"> <li>- <i>Limit water pollution to levels that do not damage natural systems</i></li> <li>- <i>Maintain water abstraction, run-off and recharge within carrying capacity</i></li> <li>- <i>Reduce contamination, and safeguard soil quality and quantity</i></li> <li>- <i>Minimize waste, then re-use or recover it through recycling, composting or energy recovery</i></li> <li>- <i>Maintain and restore key ecological processes (e.g. hydrology, water quality, coastal processes)</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>Quality (biology and chemistry) of rivers, canals and freshwater bodies</i></li> <li>- <i>Quality and quantity of groundwater</i></li> <li>- <i>Water use (by sector, including leakage), availability and proportions recycled</i></li> <li>- <i>Water availability for water-dependent habitats, especially designated wetlands</i></li> <li>- <i>Amount/loss of green field / brown field land and proportion available for reuse</i></li> <li>- <i>Number of houses affected by subsidence, instability, etc.</i></li> <li>- <i>Housing density</i></li> <li>- <i>Waste disposed of in landfill</i></li> <li>- <i>Contaminated land</i></li> <li>- <i>Flood risk</i></li> </ul>

**Source: Modified after Office of the Deputy Prime-Minister (2005) A Practical Guide to the Strategic Environmental Assessment Directive, London, ODPM Publications**

### 3.1.4 Consulting on the scope of SEA

**Purpose.** The purpose of this task is to ensure that the structure of the SEA (in terms of baseline information, links to relevant environmental objectives and other plans or programs, identification of key environmental issues and proposal of SEA objectives) will be robust enough to adequately support the drawing of the plan. In particular, consultation help to verify that all relevant information and issues have been taken into account, and to hear the opinion of other agencies or organisations that have expertise in specific fields (e.g., on health, cultural heritage) or knowledge of the study area. Consultation at this stage is mandatory under Article 7.5 of the SEA Law, which specifies that when deciding on the scope of the SEA and the type of information to include in the report, the responsible authority must consult the consultation bodies (see Chapter 2.3.2).

**How?** It is for the responsible authority to decide how to best approach and engage consultation bodies, within the timeframe set by Article 7.5. However, it is recommended for the SEA to produce a “Scoping report” at this stage that can be circulated among the consultation bodies, and commented. This scoping report become then the main (tangible) basis for the consultation, and can be revised and enriched after receiving the comments by the consultation bodies. A possible outline of this report is the following:

- Introduction (objectives of the SEA and of the scoping stage)
- The SEA and planning processes (brief summary of the activities undertaken by the SEA and planning processes so far)
  - Description of the strategic framework
  - Baseline study
  - Environmental problems and opportunities
  - Proposed SEA objectives

**Table 3.1.3 Identifying and assessing critical issues– case study from El Salvador, 2012 (modified after Partidário)**

Critical issues	Assessment criteria
<b>Governance</b>	<ul style="list-style-type: none"> <li>- <i>Governance instruments</i></li> <li>- <i>Strengthening capacities and institutional coordination</i></li> <li>- <i>Stakeholders engagement</i></li> </ul>

Ecosystems, development and local economy	- <i>Socio-ecological systems</i> - <i>Capacity-building and entrepreneurship</i> - <i>Vulnerability and adaptation to climate change</i>
Water resources and Sewage	- <i>Contamination</i> - <i>Water resources availability</i> - <i>Access to water and to infrastructures network</i>

**Source: PARTIDÁRIO, Maria do Rosário (2012) *Strategic Environmental Assessment Better Practice Guide: Methodological guidance for strategic thinking in SEA*, Lisbon, Portuguese Environment Agency and Redes Energéticas Nacionais (REN)**

### 3.2 Stage B: Supporting the design of the plan and assessing impacts

In this stage, the plan is taking shape and specific objectives, and alternative ways to achieve them, are proposed. SEA has the purpose of contributing to the identification of the most suitable courses of action in order to improve the environmental quality of the area, or at least to minimize the negative effects of the plan on it. This requires the following key tasks:

- a. Testing the plan objectives against the SEA objectives
- b. Identifying and comparing alternatives
- c. Assessing the effects of the draft plan
- d. Proposing mitigation measures

These tasks are integral to the planning process and cannot be performed effectively in isolation from it. At this stage, it is important to use SEA as more than a mere set of tools to double-check the sustainability of the PP but rather as a creative participatory process that aims at mainstreaming environmental concerns into the Plan or Programme, from its earliest stages. Integrating Green Infrastructure may be a good way of reinforcing the PP, by evaluating its connectivity patterns, appropriate use of network design for mobility and recreational activities (eg by place-shaping a city-wide system of public spaces) and considering the protection and enhancement of ecological corridors.

**Map 3.2.1 Example of analysis of green infrastructure.**



**Source:** SEA for Rahovec/Orahovac MDP.

The proposal of green corridors to provide connectivity between natural areas in the municipality (mainly forests) may avoid habitat fragmentation and biodiversity loss. The areas with high biodiversity potential are hatched at the Figure, as riverbeds are proven to have a high biodiversity potential. The buffer zones of rivers are also marked as a potential element of the municipality’s green infrastructure.

**Box 3.2.1 Green infrastructure (GI) as an important basis for Kosovo spatial plans**

Green infrastructure can be used as a strategic priority and shape the environmental planning component of the plan by shaping a well planned network of high quality green spaces and other environmental features. It includes natural and semi-natural areas, and green spaces in rural and urban, terrestrial, and freshwater areas. Protected natural sites are at the core of green infrastructure.

GI should be designed and managed as a multifunctional resource capable of delivering a wide range of benefits and services.

The underlying principle is that the same area of land can frequently offer multiple benefits. By enhancing green infrastructure, valuable landscape features can be maintained or created, which are not only valuable for biodiversity but also help deliver ecosystem services such as the provision of clean water, productive soil, attractive recreational areas, and help climate change mitigation and adaptation. It can sometimes be a cost-effective alternative or be complementary to grey infrastructure and intensive land use change. Green infrastructure can be used as a strategy for flood risk and disaster risk reduction in general.

**Source:** DG Environment relevant webpage

**3.2.1 Testing the plan objectives against the SEA objectives**

**Purpose.** In this task, the objectives of the plan are tested against the SEA objectives to identify potential synergies and conflicts. The overall purposes of the analysis are the following:

- Testing if all SEA objectives are being addressed by the plan, i.e. if for each SEA objective there is at least one potentially compatible plan objective;
- Highlighting potential incompatibilities and conflicts, and recommend ways to implement the plan in a way to avoid such conflicts;
- Highlighting potential synergies, and suggest ways to enhance and exploit them in the plan.

**How?** This test can be carried out by using a matrix (“compatibility matrix”), which plots the plan objectives on one axis and the SEA objectives on the other axis. Cells are filled in by answering the following question: “Is this objectives - as described in planning document - potentially compatible/potentially in conflict with this SEA objective?”. Comments should be added to the matrix, as well as recommendations on how to improve the consistency between the plan and the SEA objectives.

An example is provided in Table below:

**Table 3.2.1 Excerpt of a compatibility matrix**

SEA objectives	Spatial Plan Goals				
	Goal 1 Administration and efficient management	Goal 2 Protection, preservation and exploitation of natural values	Goal 3 Rational use of natural resources for tourism and economic development	Goal 4 Socio-demographic development	Goal 5 Providing access and technical public facilities
O1: Conserve species and habitat	+	++	+/-		-
O2: Improve/maintain natural habitat connectivity			+		-
O3: Improve health				++	+
O4: Reduce exposure to natural hazard	+	++			-
O5: Prevent soil erosion	+	++	-		-
O6: Maintain soil productive capacity	+	++	+/-		
O7: Maintain water quality	+	+			++
O8: Maintain ability to store water	+	+			

Key: ++ : Potential compatibility (significant); + : Potential compatibility (minor, mostly indirect) ; 0 : No interaction ; - : Potential conflict or incompatibility (minor, mostly indirect); -- : Potential conflict or incompatibility (significant) ; +/- : Uncertain interaction/Both compatible and incompatible elements

### 3.2.2 Identifying and comparing alternatives

**Purpose.** According to the SEA Law, the SEA must assess the likely environmental effects of implementing the plan and any reasonable alternatives. The term “alternatives” (or options) refers to the different ways that a plan can propose to fulfil its objectives. Through the identification and comparison of alternatives, the SEA can play a “proactive” role, by influencing the content of the plan and improving the consideration of environmental issues.

**How?** Alternatives can be identified during the SEA as a reaction to proposals formulated by planners/policy makers (e.g., proposing infill development as opposite to urban expansion in areas where soil is valuable), or as a response to issues that emerged during the previous stages, and that need to be adequately addressed by the plan (e.g., proposing a constraint to land use conversion in an important area for biodiversity conservation). Alternatives developed during the SEA can be radically different ways to achieve a given objective, or can result from adjusting and fine-tuning existing proposals (e.g., by suggesting better implementation details or location for a given activity).

In practice, alternatives are rarely developed in isolation by the SEA team: close collaboration with the planning/policy makers, as well as with relevant stakeholders is essential. However, SEA can initiate the process by bringing attention to specific issues, supporting them with relevant information and help “making the case”. Policy makers and stakeholders can then further developed those issues and formulate feasible options<sup>26</sup>.

Typically, a SEA needs to consider different types of alternatives. To illustrate this concept, a hierarchy of alternatives has been proposed (Figure 3.2.1). The hierarchy goes as follows<sup>27</sup>:

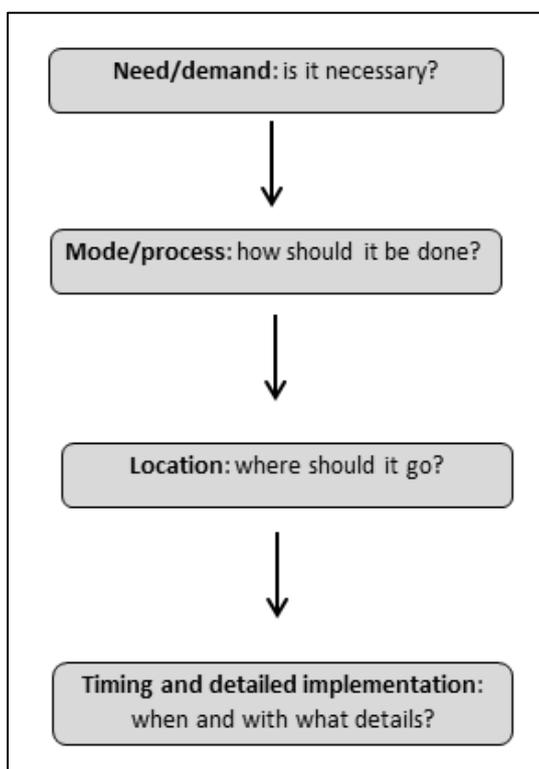
- Check whether the action is really necessary: Is it possible to obviate demand and needs? Is the no-action (or “zero”) option a feasible solution?
- Explore different ways of providing for the needs or demand: How should it be done? What are the possible policies, methods or technologies?
- Decide about the location: Where should the development go? Where a given policy should be implemented?

<sup>26</sup> UNEP (2014) *Integrating ecosystem services in Strategic Environmental Assessment: A guide for practitioners, A report for Proecoserv* [<http://www.proecoserv.org/information-hub-test/guideline.html>]

<sup>27</sup> Modified after THERIVEL, R. (2004) *Strategic Environmental Assessment in action, London, Earthscan*

- Decide about timing and implementation details: What details matter? What requirements should be made about them?

**Fig 3.2.1 Typical hierarchy of alternatives in SEA**



*Source: Adapted from Office of the Deputy Prime-Minister (2005) - A Practical Guide to the Strategic Environmental Assessment Directive, London, ODPM Publications*

**Example.** A typical example in SEA for a Municipal Development Plan (MDP) is represented by possible alternatives for new housing development:

- **Need/demand:** The SEA and MDP baseline studies can be used to check whether new housing development is actually needed, or whether the existing housing stock could be used (e.g., by promoting renovation, conversion of redundant non-domestic building, etc.)
- **Mode/process:** The SEA can compare and assess different options, such as for example one large development vs. few smaller ones (this example is expanded in table 3.2.2), or infill development, versus green-field development
- **Location:** The SEA can provide an analysis of land suitability to host the new development and suggest possible locations, which are then compared using the available baseline data and indicators (see tables 3.2.5 and 3.3.1)
- **Timing and detailed implementation:** The SEA can suggest details such as density, building characteristics, energy efficiency parameters, etc.

**Table 3.2.2 Example of table for comparison of two alternatives for spatial development**

SEA Objective	Option A Concentrated development		Option B Polycentric development: two sub-centers	
	Performance	Commentary/explanation	Performance	Commentary/explanation
<b>Environmental Objective 1</b> To maintain and enhance	-	Visual impact of the development, and change in character of the town (e.g. setting) could be significant. Setting aside such a large area of land for development could mean that	++	Would bring back into use derelict and degraded sites, which are currently causing visual blight across all three settlements

the quality of landscape and townscapes		development of other brownfield sites in the town would become more difficult to develop		
<b>Environmental Objective 2</b> To improve air quality	-	Could lead to air quality standards being breached	+	As brownfield sites are centrally located, should allow for development to take place that would encourage walking and cycling, and less reliance on the car
<b>Environmental Objective 3</b> Summary appraisal against environmental objectives	--	Cumulative effects could be major, without appropriate policies to ensure that landscape quality is maintained, loss of grassland, biodiversity is compensated for, and that a significant switch from car to public transport and/or walking/cycling is achieved	+	Generally positive (some minor effects re. ecological value of brownfield sites). Would make most efficient use of land.

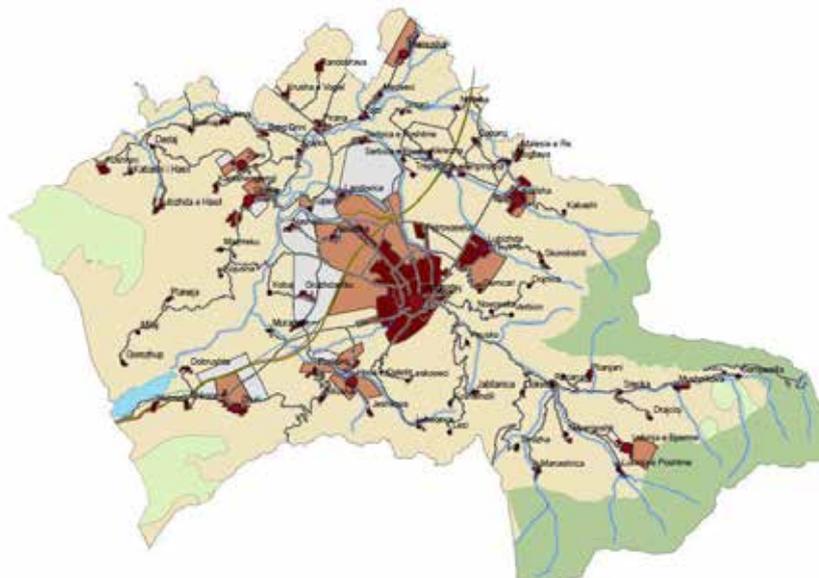
Key:

+ positive; - negative; 0 neutral; ? uncertain; +/- minor; ++/-- major

A distinction could also be made between short, medium and long term, if appropriate

**Source: Adapted from Office of the Deputy Prime-Minister (2005) - A Practical Guide to the Strategic Environmental Assessment Directive, London, ODPM Publications**

**Map 3.2.2 A scenario illustration. Dark brown indicates current residential areas, light brown indicates potential residential areas and gray indicates potential industrial areas (based on AHP analysis)**



**Source: SEA for Prizren MDP**

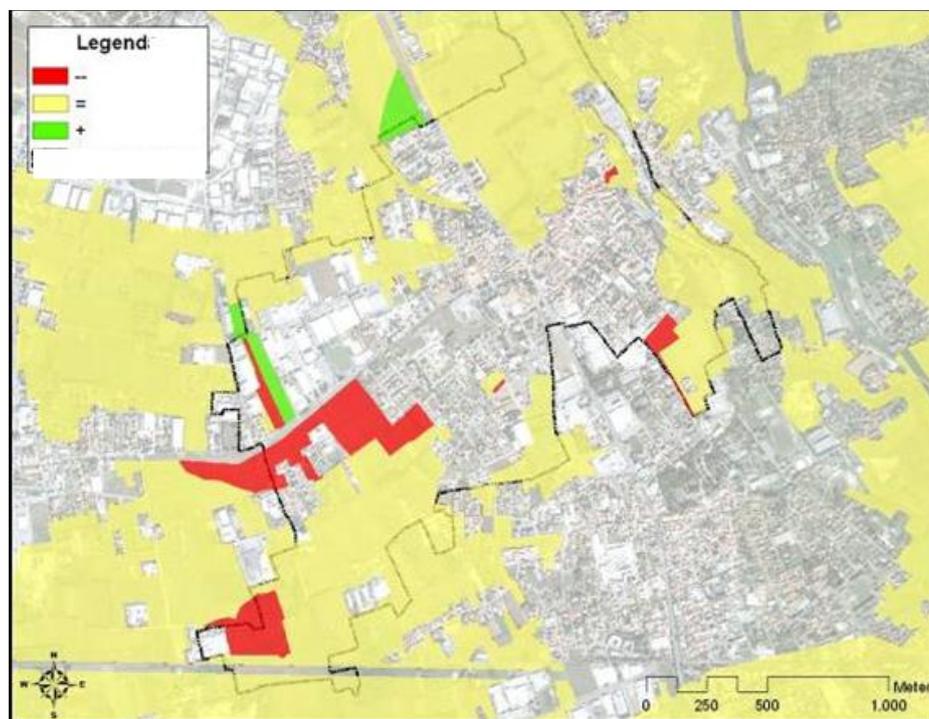
### 3.2.3 Assessing the impacts of the draft plan

**Purpose.** This task aims at assessing the environmental impacts of the draft plan before its approval, i.e. at a stage where it is still possible to suggest changes and revisions. Impacts are defined as the difference between the conditions of a given variable with and without the plan through time. Hence, impacts can be desirable (positive) or undesirable (negative) changes that are expected to result from the implementation of the plan.

**How?** Several methods and techniques for impact prediction and evaluation can be used, according to the level of detail of the analysis and the way in which ESs have been characterized in the baseline (e.g., models and quantitative analysis; expert opinion and qualitative descriptions; monetary evaluation). In SEA generally qualitative impact assessments are more common than quantitative ones, due to the inherently high uncertainty levels (in the data, in the way the strategic action will be implemented, in the future trends of key drivers, etc), the complexity of the decisions, and the need to provide a useful input to decision-making, within the time and resources constraints of the planning process. So in practice impacts are often expressed through qualitative scales (e.g., +++/---) or trends (e.g., getting better/getting worse). This applies especially to higher-level plans. Less strategic and local-level plans might call for more quantitative data, especially if they provide for detailed regulations (e.g., a zoning scheme of an urban plan that identifies permitted/prohibited land use changes in each land unit).

The assessment of the impacts can be performed by using as a reference the current conditions and/or the “business-as-usual” scenario. This means that impacts are described as differences between the planning conditions and the current or business-as-usual ones (see example in table 3.2.3). The impacts of the plans should be assessed against the SEA objectives previously identified (see Section 3.2.1), so that it is possible to understand the extent to which the plan will contribute to achieve such objectives (see example in table 3.2.3).

**Map 3.2.3 Assessment of the impact on natural ecosystems and connectivity of an urban plan. The map compares the current condition with the plan condition, highlighting areas where the plan will cause a negative impact (red) or a positive impact (green)**



*Source: GENELETTI, D. and BRAGAGNOLO, C. (2009) L'uso di indicatori per il confronto tra scenari nella Valutazione Ambientale Strategica, Sentieri Urbani. I(2), 33-37.*

**Table 3.2.3 Qualitative assessment of the expected impact of the plan with respect to the current conditions, against a set of SEA objectives**

SEA objective	Plan conditions versus current condition
Reducing Sprawl	↓
Improving green areas	↓
Improving ecological connectivity	↔
Reducing exposure to noise	↑
Improving cycle paths	↑
Reducing exposure to e.m. radiation	↑

**Source: Modified after GENELETTI, D. (2013) Strategic Environmental Assessment: General principles. Lecture material for the short course on SEA for spatial and urban planning, University of Trento**

Important elements that should be addressed during impact assessment are:

- The magnitude and geographical scale of the expected impact (e.g., how large is the area where we expect natural vegetation to be lost due to infrastructure construction)
- The time period (is the impact limited in time? What is the expected frequency?)
- The reversibility (is the impact permanent or temporary?)
- The probability (How likely is it for the impact to occur?)
- The existence of cumulative effects (see below).

Many problems related to environmental degradation result from the cumulative effects of human activities. Cumulative effects are the net impact from a number of different activities and can occur from the following situations:<sup>28</sup>

- Interaction of impacts from actions within a plan affecting the same environmental component. For example, proposals to build infrastructures, commercial premises and housing within a short period of time could result in cumulative loss of open space and attractive landscape for recreation. Analogously, a policy to encourage renewable biofuels cultivation and a land consolidation policy could result in a cumulative loss of subsistence cropping;
- Combined impacts of the plan action with impacts of other plans or programmes affecting the same environmental component in a particular area. For example, proposals from urban and forest plans could interact and affect the regulation of local climate.

One of the main *raison d'être* of SEA is the assessment of cumulative effects, given that individual impacts from a single project or development may not be significant on their own, but become significant in combination with other impacts<sup>29</sup>. Hence, SEA cannot be limited to the analysis of individual elements of the plan, but needs to also carry out an overall assessment in the light of all the activities and policies that the plan includes (table 3.2.4)

**Table 3.2.4 Example of matrix that can be used to summarise the cumulative effects of all the elements of a plan on a set of environmental components<sup>33</sup>**

Environmental component	Elements of the plan					Assessment of the cumulative effect
	1	2	3	4	5	
GHG emission	+	-	+	+	0	Positive
Water resources	-	0	0	-	-	Negative
Soil	0	0	0	0	0	No significant effect
Biodiversity	+	0	-	0	0	No significant effect

<sup>28</sup>COOPER, L. M. (2004) *Guidelines for Cumulative Effects Assessment in SEA of Plans*, EPMG Occasional Paper 04/LMC/CEA, Imperial College London

<sup>29</sup>Modified after BRAGAGNOLO, C., GENELETTI, D., FISCHER, T.B. (2012) *Cumulative effects in SEA of spatial plans - evidence from Italy and England*, *Impact Assessment and Project Appraisal*, 30 (2), pp. 100-110

### 3.2.4 Proposing mitigation measures

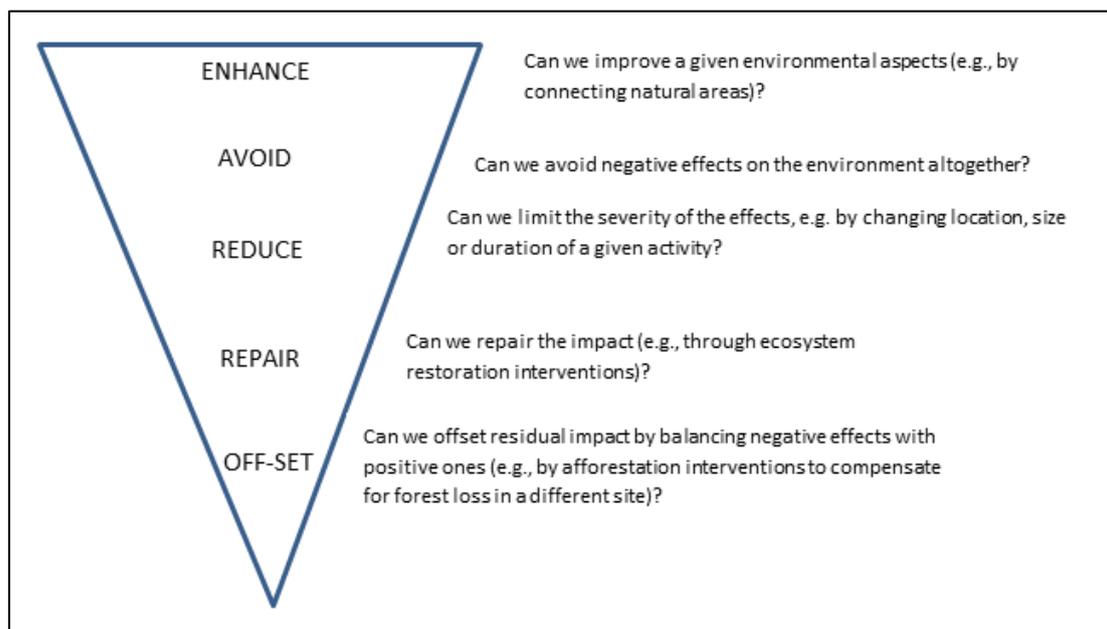
**Purpose.** The SEA Law requires the consideration of mitigation measures to prevent, reduce or offset the negative environmental effects of the plan. These measures can include also pro-active measures to enhance the positive environmental effects of the plan.

**How?** Mitigation measures should be considered during the preparation of the plan so as to address critical elements identified during the SEA. It is useful to refer to the “mitigation hierarchy” represented in Figure 3.2.2. This hierarchy<sup>30</sup> shows that the SEA should seek measures that, in order of priority:

- Enhance the environmental
- Avoid negative effects on the environment
- Reduce/minimise negative effects that cannot be avoided
- Repair negative effects (e.g., by environmental restoration interventions)
- Off-set negative effects by identifying suitable compensation measures

SEA provides for a wide range of possible enhancement and mitigation measures that are different in nature, including: regulatory, educational, technical, procedural and spatial measures. Table 3.2.5 provides examples for each type.

**Fig 3.2.2 The mitigation hierarchy**



**Source:** Modified after UNEP (2009) *Integrated Assessment for Mainstreaming Sustainability into Policymaking: A Guidance Manual*

**Table 3.2.5 Examples of different types of mitigation measures that can be considered in SEA**

Type of measure	Example
Fiscal	<i>Subsidies for converting intensively farmed agricultural land to woodlands; congestion charges</i>
Regulatory	<i>Energy efficiency standards; regulations prohibiting development in certain areas</i>

<sup>30</sup>BOND, A., MORRISON-SAUNDERS, A., STOEGLEHNER, G. (2013) *Designing an effective sustainability assessment process*, in: BOND, A., MORRISON-SAUNDERS, A. and HOWITT, R. (eds) *Sustainability Assessment Pluralism: Practice and Progress*, London, Routledge, 231-244

Type of measure	Example
Educational	<i>Energy awareness campaigns; walk to school schemes</i>
Technical	<i>Requirements for wastewater treatment; sustainable urban drainage systems</i>
Procedural	<i>Requiring public consultation before certain types of development are designed</i>
Spatial	<i>Requiring new housing development to be within given distance of public transportation</i>

Source: Modified after THERIVEL, R. (2004) *Strategic Environmental Assessment in action*, London, Earthscan

### 3.3 Stage C: Preparing the SEA report

**Purpose.** The SEA report is the key output of the SEA and should contain the identification, description and assessment of the likely significant effects of the plan (including reasonable alternatives) on the environment. The SEA report is prepared for the draft plan, and it will be used during the public consultation (see stage D).

**How?** The Kosovo SEA Law describes the information to be provided in the SEA report (Annex 2 of the legislation). Art. 7 specifies that the information should be provided “as may reasonably be required”, in the light of the existing knowledge, the content and level of detail of the plan, and the stage of the plan in the decision-making process. All the information required to compile the SEA report has been described in the previous tasks (with the exception of the monitoring plan, which is described in chapter 3.5), so it is just a matter of organizing it and giving it a clear structure, so as to facilitate the interaction with the authorities, the consultation bodies and the public. A possible outline for the SEA report is presented in the table 3.3.1 and correspondence between this outline and the content required by Annex 2 is shown in the third column.

**Table 3.3.1 Suggested outline and content for the Environmental report and correspondance to the information to be provided in accordance with the SEA Law (Annex 2)**

Chapter	Content	Information to be provided in SEA reports (Annex 2, SEA Law)
<b>Chapter 0</b>	<i>Summary of the SEA process and of the likely significant effects of the plan on the environment</i>	<i>Non-technical summary of the information provided in the report</i>
<b>Chapter 1. Introduction</b>	<i>Purpose of the SEA; description of the SEA/planning processes; description of the report structure</i>	<i>[Not mentioned in the legislation]</i>
<b>Chapter 2. Strategic framework and Overview of the plan draft</b>	<i>Description of relevant legislations, plans, programmes, relevant EU Directives</i>  <i>Short description of the plan draft to facilitate the understanding of the SEA analysis</i>	<i>An outline of the contents, main objectives of the plan and relationship with other relevant plans and programmes</i>
<b>Chapter 3. Environmental baseline</b>	<i>Current conditions and trends of the different environmental aspects; description of the available information and identification of knowledge gaps; key elements of the socio-economic context; likely evolution of the context without the plan</i>	<i>The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan</i>  <i>The environmental characteristics of areas likely to be significantly affected</i>
<b>Chapter 4. Key environmental issues and SEA objectives</b>	<i>Scoping of main environmental problems and opportunities; identification of SEA objectives, indicators and targets</i>	<i>Any existing environmental problems which are relevant to the plan, including, in particular, those relating to any areas of a particular environmental importance</i>

Chapter	Content	Information to be provided in SEA reports (Annex 2, SEA Law)
		<i>The environmental protection objectives (established at national, international or European Community level), which are relevant to the plan and the way those objectives and any environmental considerations have been taken into account during the preparation of the report</i>
<b>Chapter 5. Compatibility analysis of the plan objectives</b>	<i>Analysis of the compatibility between the plan objectives and the SEA objectives, as well as the relevant elements of the strategic framework (e.g., relevant other plans or programmes). May include description of how the plan objectives have evolved during the process to reflect the suggestions of the SEA</i>	<i>An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties - such as technical deficiencies or lack of knowhow - encountered in compiling the required information</i>
<b>Chapter 6. Assessment of the environmental effects of the plan</b>	<i>Analysis of the effects of the plan, including comparison between reasonable alternatives (and reasons for choice) and proposal of mitigation measures. May be broken down in more chapters to better reflect the structured of the plan. Description of how the SEA outcomes have been included in the plan.</i>	<i>The likely significant effects on the environment, on such issues as biodiversity, population, human health, flora, fauna, soil, water, air, climatic factors, material assets, cultural and natural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors</i>  <i>The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan</i>
<b>Chapter 7. Monitoring plan</b>	<i>Indicators and approach for monitoring the implementation of the plan</i>	<i>A description of the measures envisaged concerning monitoring</i>

### 3.4 Stage D: Consultation and decision-making

**Purpose.** The purpose at this stage is to collect the opinions of the consultation bodies and the public (and transboundary authorities, if applicable) on the draft plan and SEA report, revise the plan and SEA report according to the outcome of the consultation process, and send them to the Ministry (or the Commission, see details below) for consent. At this stage, decision-making should be taken regarding the Plan or Programme being assessed. For that reason, the Environmental Report must be made available at the same time as the draft plan or programme, as an integral part of the consultation and decision-making process, and the relationship between the two documents should be clear.

**How?** The procedure laid out by the SEA Law requires that:

- The draft plan and SEA report are sent to the consultation bodies (see Chapter 2.3), and brought to the attention of persons likely to be affected by, or who have an interest in, the plan. The documents are also made available (via a website) to the general public (Art. 8);
- A public debate is arranged (Art. 9);
- A report on the participation of the consultation bodies and the public is produced (Art. 10).

The response of the consultation process has to be used to revise the draft plan and SEA report, so that it can be shown how the response has been taken into account, before the adoption of the plan.

For local-level spatial planning documents, the municipal authority shall send to the Ministry of Environment and Spatial Planning the draft plan, the draft SEA report, as well as the report on the participation of the public and the consultation bodies and any follow-up documentation. The responsible body of the Ministry will assess the SEA report employing quality criteria presented below as reference (see table 3.4.1). Based on this assessment, the responsible body will prepare a draft decision to be presented to the Minister. Within 15 days of receipt of the draft decision, the Minister shall decide to grant or refuse consent. For national-level spatial planning documents, the procedure is the same, but the draft decision is made by a Commission, established by the Ministry after the first preparatory act of the plan or programme (Article 4, paragraph 5 of the SEA Law).

**Table 3.4.1 Checklist to assess the quality of SEA reports**

<b>Topic</b>	<b>Criteria</b>
<b>Plan</b>	<i>The aims and contents of the plan or programme, zones for which it is prepared, and the spatial and time horizons employed are introduced clearly</i>
	<i>The environment protection issues which have been introduced in preparing of aims of plan are described</i>
	<i>The way links with other plans and programmes are reflected</i>
<b>Environmental situation</b>	<i>The current and future state of the environment is introduced</i>
	<i>There is a description of the state of the environment in accordance with the aims and indicators for SEA</i>
	<i>There is a description of the sources of information on the state of the environment and the methodology is in accordance with the level of SEA sustainability</i>
<b>Alternative solutions</b>	<i>There is a description of the way the alternative solutions have been prepared and reviewed for problems relating to the environment</i>
	<i>The alternative solution of not realizing the plan or programme together with the best alternative solutions have been prepared</i>
	<i>An environmental assessment has been carried out for the alternative solutions and a comparison made between them</i>
	<i>The reasons are stated for choosing the most reasonable alternative taking account of the environmental aspects.</i>
<b>Assessment of environmental effects</b>	<i>There is a description of the way significant impacts of the plan or programme on environment have been defined and assessed</i>
	<i>The following contents are provided: air, water, soil, climate, plant and animal world, nature habitats, biological diversity, cultural, natural and historic value, the public and human health, cities and other settlements, infrastructure objects, industries and other objects</i>
	<i>The following characteristics of impacts are addressed: probability, intensity, complexity/reversibility, time dimension: duration, frequency, repeating and spatial dimension: location, geographic zone, number of exposed people nature of inter border, cumulative and synergistic nature of impact, other characteristics of impact</i>
	<i>Determination and assessment of important impacts has been carried out with reference to appointed standards, regulations and limit values</i>
	<i>A useful methodology has been prescribed.</i>
<b>Measures and</b>	<i>Measures are foreseen for avoiding and mitigating negative effects, and increasing positive impacts on the environment for every impact assessment</i>

Topic	Criteria
programmes for monitoring the state of the environment	<i>There is a description of how directions for drafting of impact assessment on projects on environment and other strategic impacts are prepared</i>
	<i>A programme for monitoring the state of the environment during the realization of the plan or programme has been prepared</i>
SEA report	<i>The role of competent organs of drafting the SEA report is clearly defined</i>
	<i>The report is prepared in a clear manner</i>
	<i>All report elements for SEA in Article 13 of the Law are present and the information sources for the professional comments are given</i>
	<i>There is a description of the way environmental issues are dealt with in the plan or programme, the manner of taking the decision and the main reasons for choosing the plan or programme from alternatives which are reviewed</i>
	<i>The non-technical summary has been clearly drafted</i>
Participation of consultation bodies and the public	<i>The comments of the consultation bodies, the public and any other country that has been consulted are included and the way they have been taken into account in the decision is described.</i>

Source: Annex 3 of the SEA Law

### 3.5 Stage E: Monitoring the implementation of the plan

**Purpose.** Monitoring ensures continuity to the SEA process, and allows detecting contextual changes that may occur during the implementation of the plan, along with progress in its effective implementation and actual impacts. Early detection of these issues enables to propose and implement modifications and adjustments to the plan. The ultimate purpose is to enable timely intervention and correction of detected problems (e.g., unforeseen impacts, mitigation and enhancement measures not carried out).

**How?** A monitoring plan should be designed and included in the SEA report. This plan should provide the following information:

- Identification of monitoring indicators and description of the methods, frequency and responsibility for data collection (responsibility may vary according to the nature of the indicators);
- Guidance on data evaluation (appraisal of the conformity with predictions or expectations);
- Guidance on management (how to take appropriate response to issues arising from evaluation)
- Communication strategies (informing stakeholders about the results or, where appropriate, involving stakeholders in the evaluation and/or management stages).

This information can be provided in a very simplified, and mostly qualitative, form, as exemplified in table below.

**Table 3.5.1 Example of possible format for a monitoring plan**

Objective	What to monitor	Who provides the data?	How often ?	At what point should additional action be considered?	What could be done if a problem is identified?
Protect biodiversity	<i>Conditions of designated sites and other important natural areas</i>	<i>Planners</i>	<i>Every 2 years</i>	<i>Condition gets worse</i>	<i>Consider ways to improve biodiversity (e.g., greenways and restoration interventions)</i>

Objective	What to monitor	Who provides the data?	How often?	At what point should additional action be considered?	What could be done if a problem is identified?
Protect human health	<i>Number of accident per person/km travelled by car, foot, bike</i>	<i>Police</i>	<i>Annual</i>	<i>Any of these gets 10% worse</i>	<i>Improvement to pedestrian and cycling facilities, traffic calming, new road layout</i>
Promote positive health-related behaviour	<i>% of children walking/cycling to school</i>	<i>Municipal survey/school authority</i>	<i>Every 2 years</i>	<i>10% decreases</i>	<i>Improve walking and cycling routes, awareness-raising campaigns</i>

**Source:** *Source: Modified after THERIVEL, R. (2004) Strategic Environmental Assessment in action, London, Earthscan*

Monitoring indicators can include both indicators to monitor changes in the context, and indicators to monitor the impacts of the plan. The first set allows to gain insights into the environmental and socio-economic changes that occur in the area during the implementation of the plan. Relevant changes can be related to the state of the environment (e.g., climate trends, natural disasters), the social profile (e.g., migration patterns), the socio-economic situation (e.g., shift in livelihood systems), and the legislative and regulatory framework (e.g., designation of protected new areas; land reform policy). Existing monitoring and reporting programmes (e.g., state of the environment reports) represent a useful starting point for this activity. The second set allows to evaluate to what extent the observed impacts differ from the predictions performed during the SEA.

As a final recommendation, it is important for the monitoring indicators to be consistent with the ones used to inform the previous SEA analyses (e.g., indicators related to the SEA objectives), to be limited in number (to ensure viability of the monitoring system), and as easy as possible to measure, interpret and communicate.

## IV. RECOMMENDATIONS

The table below provides some recommendations on how the content of the SEA (broken-down in the stages described earlier) should reflect the level of the spatial plan under analysis, distinguishing between national-level planning, and local-level planning.

**Table 4.1.1 SEA process for spatial plans at different levels**

Stages of SEA	Spatial plan at national level	Spatial planning at local level
<b>Stage A:</b> <i>Setting the context and scoping</i>	<ul style="list-style-type: none"> <li>■ <i>The strategic framework is represented mainly by environmental objectives set by international and EC policies, as well as by national-level policies. An inventory of such policies should be made, highlighting the specific element of interest for the plan under consideration</i></li> <li>■ <i>Baseline study largely based on national-level reports</i></li> <li>■ <i>SEA objectives are general, inspired to sustainable development principles stated in national policies, as well as international declarations or agreements</i></li> <li>■ <i>Neighbouring countries may be involved in consultation</i></li> </ul>	<ul style="list-style-type: none"> <li>■ <i>The strategic framework should refer only to the locally-relevant elements of the framework set by national-level plans (see column on the left), and add specific elements of other local or regional level plans (e.g., MDP of neighbouring municipalities)</i></li> <li>■ <i>Baseline study should include also local-level data (e.g. municipal GIS), and be integrated by field surveys</i></li> <li>■ <i>SEA objectives are more specific and should be achievable (and measurable) at the municipal level</i></li> <li>■ <i>Neighbouring municipalities should be involved in consultation</i></li> </ul>
<b>Stage B:</b> <i>Supporting the design of the plan and assessing impacts</i>	<ul style="list-style-type: none"> <li>■ <i>Impact assessment is largely qualitative and based on comparison of future scenarios</i></li> <li>■ <i>Alternatives are mainly in the form of whether a given policy should be adopted or not, and, if so, with what general characteristics</i></li> <li>■ <i>The assessment of the cumulative impacts include the analysis of the combined impacts of the plan action with impacts of other past, present and reasonably foreseeable policies, plans and programmes within reasonable space and time boundaries</i></li> <li>■ <i>Mitigation measures are mostly in the form of regulation and policies that can be used to enhance environmental conditions, or limit the foreseen impacts</i></li> <li>■ <i>Compensation measures (off-set) may be harmonized with the provision of other national strategies or policies (e.g., no-net-loss policy for important natural areas)</i></li> </ul>	<ul style="list-style-type: none"> <li>■ <i>Impact assessment has a larger quantitative component, particularly for plans that provide for detailed regulations (e.g., a zoning scheme of an urban plan that identifies permitted/prohibited land use changes in each land unit)</i></li> <li>■ <i>The analysis of alternatives include the comparison of possible location for a given development, as well as the implementation details</i></li> <li>■ <i>The assessment of the cumulative effects focuses mainly on the interaction of the impacts caused by different actions within the plan</i></li> <li>■ <i>Mitigation measures may include details on how projects should be designed and implemented, giving recommendations for project EIA</i></li> <li>■ <i>Compensation measures are designed to occur within the boundary of the planning area</i></li> </ul>
<b>Stage C:</b> <i>Preparing the SEA report</i>	-	-
<b>Stage D:</b> <i>Consultation and decision-making</i>	<ul style="list-style-type: none"> <li>■ <i>The option of arranging de-centralised public debates (e.g., debates arranged in different regions of Kosovo) should be considered</i></li> </ul>	

Stages of SEA	Spatial plan at national level	Spatial planning at local level
<i>Stage E: Monitoring the implementation of the plan</i>	<ul style="list-style-type: none"> <li>■ <i>Monitoring should involve relevant agencies (such as KEPA) and be harmonized with data collection protocols established by such agencies</i></li> </ul>	<ul style="list-style-type: none"> <li>■ <i>Monitoring should be performed by collating data produced by national level agencies, as well as collecting new data at municipal level. The monitoring plan should include tasks that can be reasonably completed at the municipal level, by considering issues such as budget and time constraints, expertise, etc.</i></li> </ul>

#### **Box 4.1.1 Specific Recommendations for the SEA of Municipal Zoning Maps**

The SEA of a Municipal Zoning Map (MZM) should build upon the SEA of the relevant Municipal Development Plan (MDP), avoiding duplication of efforts and ensuring an actual added value to decision-making. MZM may contain very specific elements with a limited “strategic” content, and a more operational and project-level content. This is because a MZM may in large part reflect the strategic decisions made in the MDP, by giving them a more tangible and spatially-explicit representation (e.g., precise siting of infrastructures, boundaries of areas where different land uses are permitted/prohibited). Accordingly, the SEA of MZM should consider the following recommendations:

- Building on the strategic framework set by the SEA of the MDP. Duplications with the SEA of the MDP should be avoided, especially if the MZM is drawn shortly after the MDP. The strategic framework built during the MDP is generally valid also for the MZM, unless relevant changes have occurred. So the SEA of the MDP could simply refer to such strategic framework, and add new elements, if applicable.
- Refining the SEA objectives. The SEA objectives set during the MDP should be valid also for the MZM, unless relevant changes have occurred. So, the SEA of the MZM should simply refer to those objectives and, where applicable, refine them, e.g., by providing more details or quantitative targets
- Building on the baseline study conducted by the SEA of the MDP. Also here duplications should be avoided and, rather than repeating the baseline study of the SEA for the MDP, the SEA for the MZM should take it for granted, and add only those elements that require more detail than the one provided during the MDP. For example, a more detailed (and field-checked) land use and land cover map could be drawn, at least for those areas where land use transformations are foreseen by the MZM.
- Performing quantitative analysis. Some MZM will contain indications that allow a quantitative analysis of the environmental effects. In these cases, such quantitative analysis should be undertaken. A typical example is represented by soil loss due to new urban development. If the MZM sets precise boundaries and conditions (e.g., housing density, etc), the SEA must use this information to produce quantitative estimates of soil loss, rather than general indications and trends (as it is usually the case at the MDP level).
- Focusing on project-level alternatives. For most MZM the alternatives to be considered will have a limited strategic dimension, because this has been already dealt with by the MDP. For example, whether to build a new major road infrastructure, or whether to promote further industrial development, is for the MDP to decide. The MZM will focus on where these developments will take place, and with what characteristics (see the last two levels of the hierarchy of alternatives presented in Figure 14.). Consistently, the SEA should focus on the analysis of alternative locations (e.g., by GIS overlay of thematic maps) and alternative timing or construction details.
- Making mitigation measures explicit. Given that impacts will be clearer (and often quantified) at the MZM level, also mitigation measures to reduce such impacts should be explicitly defined during the SEA. The general mitigation measures foreseen by the SEA of the MDP should be given a more detailed definition during the SEA of the MZM - what will be done? How? Where? With what resources? Who will be in charge of performing/checking the implementation of mitigations?

#### Box 4.1.2 A good-quality SEA process

- |                              |   |
|------------------------------|---|
| <b>Is integrated</b>         | <ul style="list-style-type: none"><li>■ Ensures an appropriate environmental assessment of all strategic decisions relevant for the achievement of sustainable development.</li><li>■ Addresses the interrelationships of biophysical, social and economic aspects.</li><li>■ Is tiered to policies in relevant sectors and (transboundary) regions and, where appropriate, to project EIA and decision making.</li></ul> |
| <b>Is sustainability-led</b> | <ul style="list-style-type: none"><li>■ Facilitates identification of development options and alternative proposals that are more sustainable.</li></ul>  |
| <b>Is focused</b>            | <ul style="list-style-type: none"><li>■ Provides sufficient, reliable and usable information for development planning and decision making.</li><li>■ Concentrates on key issues of sustainable development.</li><li>■ Is customized to the characteristics of the decision making process.</li><li>■ Is cost- and time-effective.</li></ul>   |
| <b>Is accountable</b>        | <ul style="list-style-type: none"><li>■ Is the responsibility of the leading agencies for the strategic decision to be taken.</li><li>■ Is carried out with professionalism, rigor, fairness, impartiality and balance.</li><li>■ Is subject to independent checks and verification.</li><li>■ Documents and justifies how sustainability issues were taken into account in decision making.</li></ul>                    |
| <b>Is participative</b>      | <ul style="list-style-type: none"><li>■ Informs and involves interested and affected public and government bodies throughout the decision making process.</li><li>■ Explicitly addresses their inputs and concerns in documentation and decision making.</li><li>■ Has clear, easily-understood information requirements and ensures sufficient access to all relevant information.</li></ul>                             |
| <b>Is iterative</b>          | <ul style="list-style-type: none"><li>■ Ensures availability of the assessment results early enough to influence the decision making process and inspire future planning.</li><li>■ Provides sufficient information on the actual impacts of implementing a strategic decision, to judge whether this decision should be amended and to provide a basis for future decisions.</li></ul>                                   |

*Source: IAIA (2002).*

#### Box 4.1.3 SEA in short

SEA offers a systematic approach to the consideration of environmental issues within the spatial planning process. SEA should be regarded as a complementary tool to promote sustainable development: at the most strategic levels, processes that entail qualitative analysis, participation and communication are better suited than technical methodologies.

- **AN INTEGRATIVE CREATIVE PROCESS** Build the assessment from the **earliest planning stage**, including **all relevant stakeholders** in the process: competent authorities and policy makers, planners, SEA practitioners and other key stakeholders. During these processes, **SEA can be used as a creative process** to learn and share information on environmental aspects of the area at study and some of the usual **techniques** for sustainability appraisal should be considered, such as:
  - matrix evaluation, e.g. measuring the specific performance of each planning option against environmental criteria;
  - multicriteria analysis;
  - consideration and evaluation of different scenarios;
  - use of GIS, including Analytical Hierarchy Process (AHP);
  - participatory techniques;
  - 'co-operative discourse' in which stakeholders select the evaluation criteria, experts present information and measure impacts, and citizens explore values, etc..An integrative process builds on a dialogue platform with stakeholders at relevant geographical/administrative levels and is a key element of a successful SEA process.
- **STRATEGIC** Use the SEA as a strategic process, focusing on plan shaping activities and designed to avoid future conflicting options at the EIA level. Because of it is conducted at an early stage of the spatial planning process, SEA may address key environmental issues in how they affect different types of projects when options are still open. SEA must face global challenges and develop tools to better incorporate environmental limits and climate change.
- **CONTEXT SPECIFIC** The consideration of environmental issues must be tailored to the **specific context** of the PP. The environmental issues objectives should be identified and design for each specific context and each SEA should be potentially different. Checklists are useful tools but should not replace creativity and context specific solutions.
- **SIMPLICITY** Be practical and use common sense in the appraisal. When consulting stakeholders avoid confusing them with jargon or jumping to immediate conclusions without giving proper time to allocate for discussion, proper understanding of complex situations and sharing of ideas by all.
- **SET REALISTIC EXPECTATIONS** It should be understood that benefits coming from SEA may not become apparent until later in time. Greater value should be placed on indirect effectiveness, as well as on raising environmental awareness and learning processes.

The process of strategic environmental assessment in Kosovo entails several principles which have been considered as part of the guidance provided by UN-Habitat to municipal authorities:

- considering both quantitative and qualitative data in the analysis;
- granting intergenerational and minorities' equity by taking into account various social groups and their specific interests;
- providing opportunities for learning during the process;
- ensuring transparency of each step of the SEA; and
- having a strong element of public and stakeholder engagement.

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## GLOSSARY

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**Adaptation (climate change):** Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.(IPCC)

**Baseline:** A description of the present and future state, if the plan or programme (PP) is not implemented, taking into account changes resulting from natural events and from other human activities.

**Biodiversity:** The Convention on Biological Diversity (CBD) defines biological diversity as ‘the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems’ (Article 2).

**Carbon sequestration:** The removal of carbon from the atmosphere and its storage in carbon sinks (such as oceans, forests or soils) through physical or biological processes, such as photosynthesis.

**Climate change:** Any change in climate over time, whether due to natural variability or as a result of human activity. (IPCC)

**Commission:** the body proposed by the Ministry and approved by the Government, in a case when the Ministry is the responsible authority of the plan or program.

**Consultation bodies:** the Ministry or, when the Ministry is itself the responsible authority, the Commission; and any other bodies designated by law as having specific environmental responsibilities and which the Ministry considers are likely to be concerned by the proposed plan or programme.

**Cumulative impacts:** impacts caused by several projects and strategic actions resulting from a proposed action.

**Direct impacts:** Environmental effects caused directly by the implementation of a PP.

**Ecosystem services:** The benefits received from ecosystems. The United Nations Millennium Ecosystem Assessment defines four categories of ecosystem services that contribute to human well-being:

- provisioning services e.g. wild foods, crops, fresh water and plant-derived medicines;
- regulating services e.g. filtration of pollutants by wetlands, climate regulation through carbon
- storage and water cycling, pollination and protection from disasters;
- cultural services e.g. recreation, spiritual and aesthetic values, education;
- supporting services e.g. soil formation, photosynthesis and nutrient cycling.

**Environmental assessment:** Method or procedure for evaluating the environment. In the SEA Directive (Article 2(b)), an environmental assessment means “the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision.

**Environmental impact assessment:** The process of examining the environmental consequences of development projects in advance of decision-making. Differs from Strategic Environmental Assessment in the sense that it generally refers to more specific effects resulting from project implementation at the local level whereas many environmentally negative decisions had already been made at a wider strategic level (for example the fact that new transport infrastructure may generate an increased demand for travel). Stages of an EIA may include:

- deciding whether an EIA is needed ("screening")
- deciding which impacts and issues need to be addressed ("scoping")
- describing the proposed project and alternatives

- describing the environmental baseline
- predicting and evaluating the possible impacts of the project on the baseline
- proposing measures to mitigate any significant negative impacts (and also to further enhance positive impacts)
- reporting the findings in an environmental impact statement
- involving the public and other interested/affected stakeholders at various stages of the EIA.

**Environmental report:** Document required by the SEA Directive as part of an environmental assessment, which identifies, describes and evaluates the likely significant effects on the environment of implementing a PP. In Kosovo legislation this corresponds to the SEA report.

**Fauna:** The animals of a particular region or habitat.

**Flora:** The plants of a particular region or habitat.

**Green infrastructure (GI):** Green infrastructure serves the interests of both people and nature. It can be defined as a strategically planned and delivered network of high quality green spaces and other environmental features. Green infrastructure includes natural and semi-natural areas, features and green spaces in rural and urban, terrestrial, freshwater, coastal and marine areas. It should be designed and managed as a multifunctional resource capable of delivering a wide range of benefits and services. Areas protected as Natura 2000 sites are at the core of green infrastructure.

**Greenhouse gas (GHG):** Any atmospheric gas (either natural or anthropogenic in origin) which absorbs thermal radiation emitted by the Earth's surface. This traps heat in the atmosphere and keeps the surface at a warmer temperature than would otherwise be possible.

**Indicator:** A piece of information, generally quantitative, which is used to measure and track the current status and progress of a complex system. Within SEA, indicators are often used to measure the level of success of a plan or project and achievement of objectives.

**Indirect impacts:** Impacts that may be induced by a project or strategic action, for instance development that takes place around motorway junctions after a motorway has been built. Also called generated or induced impacts.

**Mitigation measure:** Measures that avoid, reduce, remediate or compensate for significant adverse impacts of a strategic action on the environment.

**NGO:** Non-governmental organisation (e.g. civic associations, farmers' union) legally constituted by natural or legal persons that operates independently from any government.

**Objective:** The aim of the strategic action or SEA, specifying what it tries to achieve, the desired direction of change or improvement in current trends.

**Plan:** Formalised procedure, setting co-ordinated and timed objectives for the implementation of a policy.

**PP:** plans and programmes, including those co-financed by the European Union or other international institutions, as well as any modifications to them, which are subject to preparation or adoption (or both) by an authority at national, regional or local level; or are prepared by an authority for adoption, through a legislative, regulatory or administrative procedure by Parliament or Government.

**The Public:** one or more natural or legal persons, and their associations, organizations or groups.

**Resilience:** The ability of a social or ecological system to absorb disturbances, while maintaining the same fundamental structure and functioning system, as well as its capacity to re-organise itself and adjust to stress and change.

**Responsible authority:** in relation to a plan or programme, means the authority by which or on whose behalf it is prepared.

**Scoping:** The process of deciding the contents and level of detail in an SEA (types of environmental effects, alternatives to consider) and how the SEA should be carried out (timeframe, methodology, structure of the report, etc.). This process should be carried out early, ideally in consultation with the competent authority and affected groups.

**SEA Directive:** European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”.

**SEA Report:** The report required by the SEA Directive and Kosovo legislation as part of a strategic environmental assessment, which identifies, describes and evaluates the likely significant effects on the environment of implementing a plan or programme. The document should record the process and findings of the SEA process. Also called environmental report.

**Secondary impacts:** Effects that occur as a consequence of a primary effect or as a result of a complex pathway (see also indirect impacts).

**Stakeholder:** Someone affected by the strategic action: they have a stake in it.

**Strategic action:** A decision that is "above" the project level: a policy, plan or programme.

**Strategic Environmental Assessment (SEA):** Environmental assessment applied to plans or programmes, requiring a process of predicting and evaluating the impact of a strategic action on the environment. The information resulting from SEA is intended to be used in decision-making. Also referred to as sustainability appraisal, environmental appraisal, sectoral assessment, programmatic environmental impact assessment. In these guidelines, SEA is used to refer to the type of environmental assessment which is required under the SEA Directive and Kosovo Law, i.e. the process of the preparation of an SEA report, the carrying out of consultations, the taking into account of the environmental report and the results of consultations in decision-making and the provision of information on the decision in accordance with this law.

## ANNEX I: LIST OF RELEVANT EU DIRECTIVES ON ENVIRONMENT

Planning Proposal	Relevant gender issues	Community feedback	Gender implications	Planning implications
<i>Develop a coherent ecological network of soft mobility and nature recreational areas</i>	<i>Who has access to the ecological network and/or recreational areas?</i>	<i>Check community needs, requests and priorities (for example during consultations).</i>	<i>Less civic engagement in recreational activities, safety implications.</i>	<i>Avoid design proposals that promote unsafe environments and behaviours. Check that the design meets users needs</i>
<i>Integrated municipal pre-school services</i>	<i>Who does what?  What are the conditions in terms of accessibility to the services?</i>	<i>Feedback on responsibilities.  Check conditions of accessibility (journey time, road conditions, support facilities, schedules, etc.)</i>	<i>Lack of access to pre-school site, safety implications, less availability for job opportunities.</i>	<i>Encourage appropriate location in the City Centre and consider proper accessibility to the site. Mobility Plan should be analysed in parallel.</i>

Despite the fact that Kosovo is not yet a Member State of the European Union, its Government is strongly committed to achieve the status of pre-candidate country and therefore to transpose the EU Directives into Kosovan legislative framework. As such, it is recommended that the SEA should consider the following EU Directives and Regulations, in order to fulfill as much as possible the EU standards and procedures from an early stage:

1. Council Directive n.76/464/EEC of 04.05.1976 “on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community”;
2. Council Directive n.79/409/EEC of 02.04.1979 “on the conservation of wild birds”;
3. Council Directive n.80/68/EEC of 17.12.1979 “on the protection of groundwater against pollution caused by certain dangerous substances”;
4. Council Directive n.82/501/EEC of 24.06.1982 “on the major-accident hazards of certain industrial activities”;
5. Council Directive n.85/337/EEC of 27 June 1985 “on the assessment of the effects of certain public and private projects on the environment”;
6. Council Directive n.88/609/EEC of 24.11.1988 “on the limitation of emissions of certain pollutants into the air from large combustion plants”;
7. Council Directive n.91/271/EEC of 21.05.1991 “on urban waste water treatment”;
8. Council Directive n.91/676/EEC of 12.12.1991 “on the protection of waters against pollution caused by nitrates from agricultural sources”;
9. Council Directive n.91/689/EEC of 12.12.1991 “on hazardous waste”;
10. Council Directive n.92/43/EEC of 21.05.1992 “on the conservation of natural habitats and of wild fauna and flora”
11. Council Regulation (EEC) n.259/93 of 01.02.1993 “on the supervision and control of shipments of waste within, into and out of the European Community”;
12. Council Decision n.93/98/EEC of 01.02.1993 “on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention)”;
13. Council Directive n.94/66/EC of 15.12.1994 amending Directive n.88/609/EEC “on the limitation of emissions of certain pollutants into the air from large combustion plants”;

14. Council Directive n.96/61/EC of 24.09.1996 “on integrated pollution prevention and control”;
15. Council Directive n.96/62/EC of 27.09.1996 “on ambient air quality assessment and management”;
16. Council Directive n.96/82/EC of 09.12.1996 “on the control of major-accident hazards involving dangerous substances”;
17. Council Directive n.97/11/EC of 03.03.1997 amending Directive n.85/337/EEC of 27.06.1985 “on the assessment of the effects of certain public and private projects on the environment”;
18. Council Directive n.1999/30/EC of 22.04.1999 “on limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air”;
19. Council Directive n.1999/31/EC of 26.04.1999 “on the landfill of waste”;
20. Communication from the Commission COM (2000) 265 final of 03.05.2000 “promoting sustainable development in the EU non-energy extractive industry”;
21. Communication from the Commission COM (2000) 664 final of 23.10.2000 “on safe operation of mining activities: a follow-up to recent mining accidents”;
22. Directive n.2000/60/EC of the European Parliament and of the Council of 23.10.2000 “establishing a framework for Community action in the field of water policy”;
23. Directive n.2000/69/EC of the European Parliament and of the Council of 16.11.2000 “on limit values for benzene and carbon monoxide in ambient air”;
24. Directive n.2001/42/EC of the European Parliament and of the Council of 27.06.2001 “on the assessment of the effects of certain plans and programs on the environment”;
25. Directive n.2001/80/EC of the European Parliament and of the Council of 23.10.2001 “on the limitation of emissions of certain pollutants into the air from large combustion plants”
26. Decision n.2455/2001/EC of the European Parliament and of the Council of 20.11.2001 “establishing the list of priority substances in the field of water policy and amending Directive n.2000/60/EC”;
27. Directive n.2002/3/EC of the European Parliament and of the Council of 12.02.2002 “on the ozone in ambient air”;
28. Directive n.2003/35/EC of the European Parliament and of the Council of 26.05.2003 “providing for public participation in respect of the drawing up of certain plans and programs relating to the environment and amending with regard to public participation and access to justice of Council Directives n.85/337/EEC and n.96/61/EC”;
29. Directive n.2003/87/EC of the European Parliament and of the Council of 13.10.2003 “establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive n.96/61/EC”;
30. Directive n.2004/107/EC of the European Parliament and of the Council of 15.12.2004 “relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air”;
31. Directive n.2006/11/EC of the European Parliament and of the Council of 15.02.2006 “on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community”;
32. Directive 2006/12/EC of the European Parliament and of the Council of 05.04.2006 “on waste”;
33. Directive 2006/21/EC of the European Parliament and of the Council of 15.03.2006 “on the management of waste from extractive industries and amending Directive n.2004/35/EC”;
34. Directive 2006/118/EC of the European Parliament and of the Council of 12.12.2006 “on the protection of groundwater against pollution and deterioration”;
35. Regulation (EC) n.166/2006 of the European Parliament and of the Council of 18.01.2006 “concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives n.91/689/EEC and n.96/61/EC”;
36. Directive n.2008/1/EC of the European Parliament and of the Council of 15.01.2008 “concerning integrated pollution prevention and control”.

### **Additional Recommended Reports**

1. European Commission, European Spatial Development Perspective: Towards Balanced and Sustainable Development of the Territory of the European Union
  - [http://ec.europa.eu/regional\\_policy/sources/docoffic/official/reports/pdf/sum\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/official/reports/pdf/sum_en.pdf)

## ANNEX II: LIST OF RELEVANT LEGISLATION AND STRATEGIC ACTIONS ON ENVIRONMENT AND SPATIAL PLANNING

Kosovo Legislation on Environment and Spatial Planning to be considered:<sup>31</sup>

Law Number	Law on	Official Gazette No.
03/L-025	Environmental Protection	50/06.04.2009
04/L-174	Spatial Planning	30/23.08.2013
03/L-230	Strategic Environmental Assessment	83/29.10.2010
03/L-214	Environmental Impact Assessment	83/29.10.2010
03/L-233	Nature Protection	85/09.11.2010
04/L-086	National Park "Bjeshket e Nemuna"	02/21.01.2013
04/L-087	National Park "Sharri"	02/21.01.2013
02/L-078	Public Health	35/15.08.2008
03/L-043	Integrated Prevention Pollution Control	52/08.05.2009
03/L-160	Air Protection from Pollution	67/29.03.2010
02/L-102	Noise Protection	40/15.10.2010
04/L-197	Chemical	18/26.03.2014
04/L-060	Waste	17/29.06.2012
03/L-119	Biocide Products	55/10.07.2009
04/L-147	Kosovo Waters	10/29.04.2013
02/L-79	Hydro Meteorological Activities	25/01.06.2008
04/L-120	Plant Protection	1/17.01.2013
02/L-98	Protection of Plants Varieties	40/15.10.2008
04/L-013	Cadastre	13/01.09.2011
04/L-110	Construction	18/03.07.2012
02/L-26	Agricultural Land	13/01.06.2007
04/L-040	Land Regulation	3/22.02.2012
03/L-163	Mines and Minerals	80/27.08.2010
04/L-158	Amendments and Supplements of Law no.03/L-163 on Mines and Minerals	11/02.05.2013
03/L-104	Protection from Non-ionized, Ionized Radiation and Nuclear Security	66/17.03.2010
04/L-067	Agency of Kosovo on Radiation Protection and Nuclear Safety	18/03.07.2012

<sup>31</sup>Some may contain addition Kosovar secondary legislation such as administrative instructions.

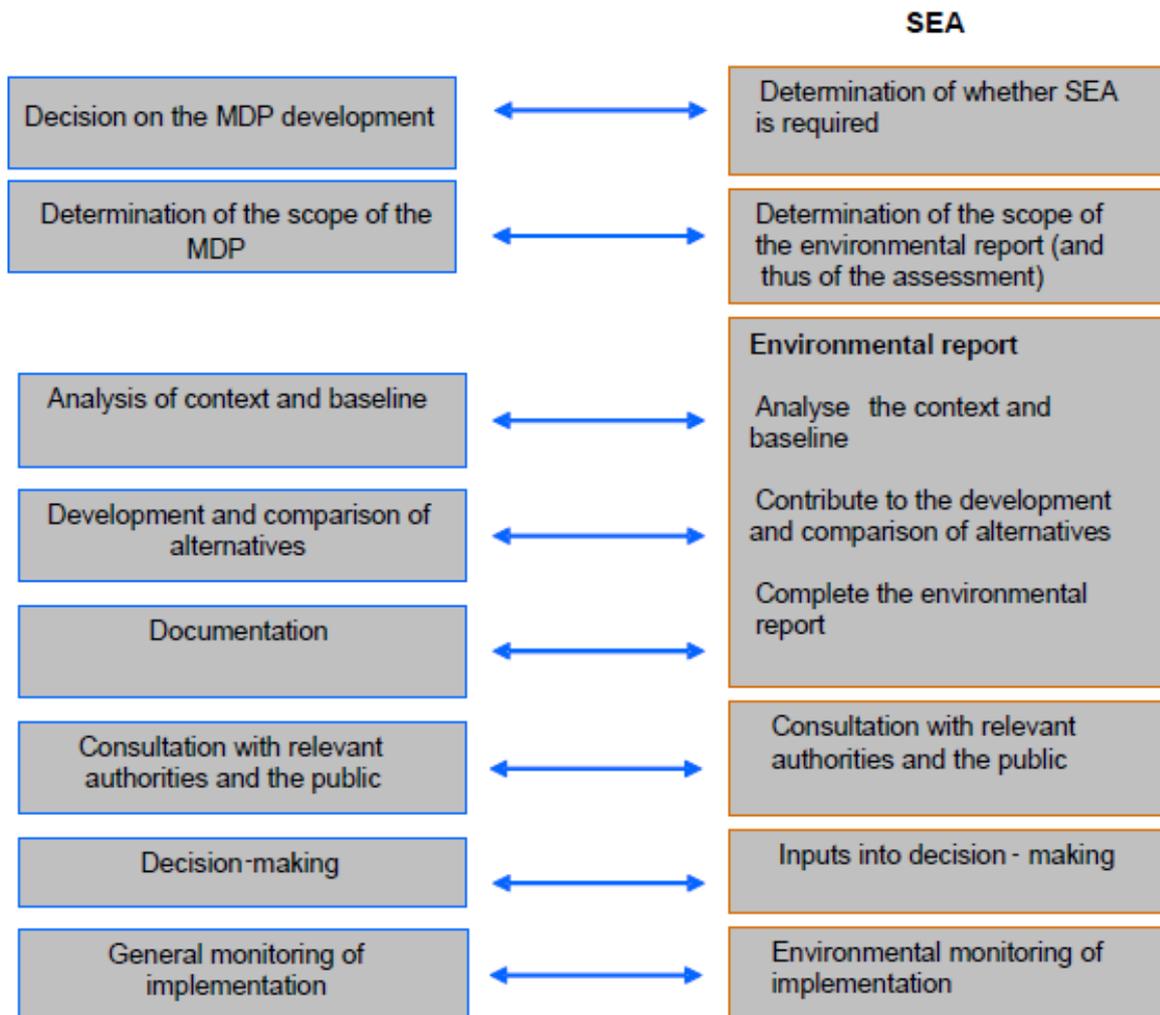
Key Existing Environmental and Planning Strategic Actions, Reports, and Studies. The Strategic Environmental Assessment is expected to consider and review the following documents:

Strategic Action	Authority
Kosovo Spatial Plan 2010-2020+	MESP
Spatial Plan ( <i>if appropriate</i> )	MESP
Municipal Spatial Plan (if appropriate)	Municipality
Strategy and Action Plan for Biodiversity 2011 – 2020	MESP
Strategy on Environmental Protection and Sustainable Development	MESP
Kosovo Environmental Action Plan	MESP
Local Environmental Action Plans	Municipality
Plan of the Republic of Kosovo on Waste Management	MESP
Strategy of the Republic of Kosovo on Waste Management	MESP
Strategy and Action Plan on Air Quality	MESP
Strategy on Forestry Development	MAFRD
Strategy on Energy	MED
Other sector strategies may also be consulted	Government

Other references	Source
Kosovo Agency of Statistics - Facts on the Environment - Municipal Waste Survey - Agricultural Household Survey -Others	<a href="http://esk.rksgov.net">http://esk.rksgov.net</a>
Country Pasture/Forage Resource Profiles – Kosovo, FAO, 2009	Food and Agriculture Organization of the United Nations <a href="http://www.fao.org/ag/agp/AGPC/doc/Counprof/PDF%20files/Kosovo.pdf">http://www.fao.org/ag/agp/AGPC/doc/Counprof/PDF%20files/Kosovo.pdf</a>
Independent Commission for Mines and Minerals, Kosovo	Independent Commission for Mines and Minerals <a href="http://www.kosovo-mining.org/kosovoweb/en/mining/tectonics.html">http://www.kosovo-mining.org/kosovoweb/en/mining/tectonics.html</a>
River Pollution in Kosovo, Final report	<a href="https://wiki.rit.edu/display/0508484012121/Final+Report,+River+Pollution+In+Kosova">https://wiki.rit.edu/display/0508484012121/Final+Report,+River+Pollution+In+Kosova</a>
Other reports	<a href="https://wiki.rit.edu/display/0508484012121/Kosovo+Project+Archive">https://wiki.rit.edu/display/0508484012121/Kosovo+Project+Archive</a>
Decentralization, FES, May 2011	Kosovo Local Government Institute <a href="http://www.fesprishtina">http://www.fesprishtina</a>

Other references	Source
	<a href="http://org/wb/media/Publications/2011/KLG%20-%20Decentralisation%20Three%20Years%20On%20%20(English).pdf">org/wb/media/Publications/2011/KLG%20-%20Decentralisation%20Three%20Years%20On%20%20(English).pdf</a>
The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters	<a href="http://live.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf">http://live.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf</a>
The UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)	<a href="http://www.unece.org/env/eia/about/eia_text.html">http://www.unece.org/env/eia/about/eia_text.html</a>
UNECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kiev Protocol),	<a href="http://www.unece.org/env/eia/about/sea_text.html">http://www.unece.org/env/eia/about/sea_text.html</a>

## ANNEX III: SEA FLOWCHART IN RELATION TO SPATIAL PLANNING



## ANNEX IV: TOOLKIT FOR SEA (MATRIXES, CHECKLIST FOR EVALUATION)

Table 1 - Reference table for the strategic framework

PLANS, PROGRAMS, POLICIES	MAIN OBJECTIVES AND GOALS <i>applicable to municipal development</i>	<i>Municipality XMDP</i> APPROACH

Table 2 - Data gaps table

FACTORS*	DATA GAPS LIMITATIONS
Air quality	
Biodiversity	
Climatic factors	
Heritage	
Waste management	
Soil	
Water	
Social and economic factors	

\*Alternative SEA report factors breakdown

Table 3 - SEA objectives grouped into thematic areas

AREA*	OBJECTIVE	INDICATORS	TARGET
Water			
Quality of life			
Soil			
Nature and biodiversity			
Landscape			
Waste and wastewater management			
Natural and man-induced hazards			
Energy and climate change			

\*Alternative SEA report area breakdown

Table 4 - Key environmental problems and opportunities

KEY PROBLEMS
•
•
•
•
KEY OPPORTUNITIES
•
•
•
•

Table 5 - Synthesis of risks detected in Significant Effects Assessment and Mitigation measures

FACTORS*	NEGATIVE IMPACTS	POSITIVE IMPACTS
Air quality		
MITIGATION MEASURES		
Biodiversity		
MITIGATION MEASURES		
Climatic factors		
MITIGATION MEASURES		
Heritage		
Waste management		
MITIGATION MEASURES		
Soil		
MITIGATION MEASURES		
Water		
MITIGATION MEASURES		
Social and economic factors		
MITIGATION MEASURES		

\*Alternative SEA report factors breakdown

Table 6 - Compatibility matrix to assess the MDP goals against the SEA objectives

SEA OBJECTIVES	MDP Goals divided by area								
	AREA 1	AREA 2		AREA 3		AREA 4		AREA 5	
	Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Goal 6	Goal 7	Goal 8	Goal 9
O1:	0	0	+	+	0	0	0	0	0
O2:	0	0	0	-	-	0	0	--	0
O3:	0	0	0	0	0	0	0	0	0
O4:	0	0	0	?	0	-	0	--	?
O5:	0	++	0	+	0	0	0	0	0
O6:	0	0	0	+	0	0	0	0	+
O7:	0	0	-	++	+	0	0	-	-
O8:	0	0	0	-	?	0	0	--	0
O9:	0	0	0	0	+/-	0	0	0	0
O10:	0	0	0	0	0	-	0	0	0

KEY
<ul style="list-style-type: none"> <li>■ ++ : Significantly compatible</li> <li>■ + : Compatible</li> <li>■ 0 : No effect</li> <li>■ - : Minor potential conflict</li> <li>■ -- : Significant potential conflict</li> <li>+/- : Both conflict and compatible elements</li> <li>? : Compatibility cannot be assessed at this stage</li> </ul>

GOAL #
POTENTIAL SYNERGIES:
POTENTIAL CONFLICTS:

Table 7 - Issues and opportunities in *Municipality X*

FACTORS*	ISSUES	HOW ISSUES ARE ADRESSED IN THE MDP PROPOSAL
Air quality		<i>Opportunities to explore:</i>
Biodiversity		
Climatic factors		
Heritage		
Waste management		
Soil		
Water		
Social and economic factors		

\*Alternative SEA report factors breakdown

Table 8 - Proposed monitoring plan

OBJECTIVE	INDICATORS	PROPOSED FREQUENCY	EXPECTED SOURCES OF DATA

Table 9 - Required content of environmental report according to Law 03/L-230 and where it is covered in this report

Information to be provided in SEA reports (Annex 2, Law No. 03/L-230)	Where covered in this report
1. An outline of the contents, main objectives of the plan and relationship with other relevant plans and programmes	
2. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan	
3. The environmental characteristics of areas likely to be significantly affected	
4. Any existing environmental problems which are relevant to the plan, including, in particular, those relating to any areas of a particular environmental importance	
5. The environmental protection objectives, established at national, international or European Community level, which are relevant to the plan and the way those objectives and any environmental considerations have been taken into account during its preparation	
6. The likely significant effects on the environment, on such issues as biodiversity, population, human health, flora, fauna, soil, water, air, climatic	

Information to be provided in SEA reports (Annex 2, Law No. 03/L-230)	Where covered in this report
factors, material assets, cultural and natural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors	
7. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan	
8. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties - such as technical deficiencies or lack of knowhow - encountered in compiling the required information	
9. A description of the measures envisaged concerning monitoring	
10. A non-technical summary of the information provided under the above headings	

Table 10 - Cumulative effects assessment

Environmental Factors	Main Actions of the Plan					Assessment of the Cumulative Effects (Qualitative Assessment + Comments)
	1	2	3	4	...	
Water						
Quality of life						
Soil						
...						

Table 11 – Comparison of alternatives (to be filled for major decisions only)

SEA Objective	Alternative 1: Brief description		Alternative 2: Brief description		Alternative 3: Brief description	
Obj. 1	Performance (qualitative scale)	Comments	Performance (qualitative scale)	Comments	Performance (qualitative scale)	Comments
Obj. 2						
...						

