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## Terms of Reference

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**Position:** Consultant for Strategic Environmental Assessment (SEA)  
**Duration:** [40-60] working days over the period [insert period]

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### Background

The Municipality of [insert municipality] is drafting its Municipal Development Plan (MDP) and Municipal Zoning Map (MZM). Both MDP and MZM documents should be seen as a coherent and integrated spatial planning process aiming at the long-term sustainable municipal development.

As required by the Law on Spatial Planning and related Administrative Instructions, all spatial planning documents must be in accordance with the Law No.03/L –230 on Strategic Environmental Assessment (SEA). Kosovo’s Law on SEA states that “drafting of SEA report is obligatory for plans and programs from spatial planning and city planning field (...) which give a frame for future development projects”. These Terms of Reference are meant for a SEA to be conducted in line with the EU Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment and with Kosovo’s Law No.03/L –230 on Strategic Environmental Assessment.

### Purpose of the assignment

The overall objective of the consultancy is to increase the sustainability of the municipal spatial planning process. The specific objective is to conduct the SEA of the Municipal Development Plan and Zoning Map for the Municipality of [insert municipality]. The SEA will describe, identify and assess the likely significant effects that both the MDP and MZM will have on the environment. In so doing, the SEA will offer recommendations at the strategic level on how potential negative effects resulting from the implementation of the MDP and MZM can be minimised and how positive effects can be enhanced. Findings and recommendations will be taken into consideration during the drafting process of both municipal planning documents, for the implementation and review of the MDP and MZM.

The SEA will provide decision-makers at the local and central level in Kosovo, with the appropriate information to assess the environmental challenges and considerations with regard to the municipal spatial development strategies, spatial development framework as well as the design of the concrete zoning measures. The SEA should ensure that environmental concerns are appropriately integrated into the municipal spatial planning strategy, implementation measures and monitoring processes. It is envisaged that the SEA will also influence strategic investment projects at the local level.

The Consultant shall, in carrying out the SEA tasks, refer to and consult the relevant legislation and Administrative Instructions regarding the developing and drafting of spatial plans and the strategic environmental assessment (Annex 1), and act with respect for a transparent, participatory planning process, with a gender-sensitive approach.

## Division of Work

The consultant will focus on two main tasks, described below, which are to be carried out during the period of [insert period] and in close collaboration with the Municipality of [insert municipality] and the Ministry of Environment and Spatial Planning (MESP) teams. The main scope of the work is related to the SEA for both Municipal Spatial Planning documents (MDP and MZM) and should incorporate a close cooperation with a diverse range of stakeholders, and include surveys and analyses.

The Consultant for SEA will be responsible for the two following main tasks:

Assignment 1: Conduct the SEA for the MDP of [insert municipality].

Assignment 2: Conduct the SEA for the MZM of [insert municipality].

Assignment 1 will be structured in two main parts: a baseline/scoping study and a SEA report for the MDP. The scoping study will identify the environmental issues to be focus of the SEA study, considering the specific environmental context in the municipality. Assignment 2 will feed from the baseline and environmental analysis developed during Assignment 1 and will be structured into one SEA report for the MZM.

## Main tasks

The Consultant for SEA will be responsible for the following main tasks, in close cooperation with the MESP team and municipal counterparts:

### Assignment 1: SEA for MDP

1. Fact finding/data collection, including structured field visits in the municipality.
2. Conduct preliminary review of any materials or documents produced in relation to drafting the MDP and MZM with regard to its social, economic and environmental impacts - this, among others, includes the MDP, MZM, Detailed Regulatory Plans (DRPs), municipal guidelines, project documents of those initiatives with which close collaboration is expected, monitoring reports at the municipal level; Conduct an in-depth review of each chapter of the MDP, analyse them against potential environmental impacts and provide written comments for further discussion with the MDP core drafting team;
3. Conduct secondary review - the aim of the secondary review will be to examine how municipal commitment to environmental protection is prioritised within the planning and budget allocation process;
4. Perform stakeholder gap analysis, as a complement to the stakeholder analysis carried out for the municipal spatial planning process. Identify key environmental stakeholders (key groups and institutions, environmental agencies, NGOs, representatives of the public and private sector), including those groups that may be potentially affected by the likely environmental impacts of implementing the MDP and MZM and that may not have been considered during the MDP/MZM development phase. Particular emphasis should be given to minority groups, youth, children, and socially vulnerable groups, having regard for a gender-sensitive analysis. Based on this analysis a gender balanced list of stakeholders should be proposed, along with key stakeholder concerns and values with respect to the MDP and MZM under consideration, and a proposed stakeholder engagement strategy to be agreed with the municipal planning team so as to be coordinated with the overall spatial planning consultation plan and avoid unnecessary conflict, raise unreasonable expectations or create “participation fatigue”;
5. SEA scoping study describing the scope of the environmental baseline needed for the SEA study and focusing on the following topics:
  - A description of the current state of the environment in the municipality; analysis of trends of the different environmental aspects; description of the available information and identification of data gaps; key elements of the socio-economic context;

- Identification of key stakeholders and their concerns (with regard to environmental sustainability of the municipality and the potential implications of MDP/MZM implementation); description of the stakeholder engagement mechanisms proposed for the SEA study;
- Description of relevant legislations, plans, programmes, relevant EU Directives; brief presentation of relevant environmental policies and objectives at the local and central level;
- Short description of the plan draft to facilitate the understanding of the SEA analysis
- Likely evolution of the context without the plan; a preliminary identification of key impacts of MDP and MZM on the environment;
- Scoping of main environmental problems and opportunities;
- Assessment of Spatial Development Concept of MDP<sup>1</sup>;
- Identification of Key environmental issues that affect the selection of environmental and social priorities. This proposed identification of key issues should be based on analytical work using spatial analysis, case studies and participatory appraisal methods; construction of a base map using information on forest cover, river basins and water bodies, and salient biodiversity characteristics, including biodiversity hotspots and protected areas; superimposition with mapping of existing and proposed infrastructure, main existent or proposed production projects and identification of critical areas under or potential to environmental stress;
- Identification of SEA objectives, indicators and targets.

6. SEA report with focus on the following topics:

- Environmental assessment of the MDP, taking into consideration the likely environmental impacts of the implementation of the MDP, the degree to which the document addresses the key environmental concerns of the sector, and its consistency to central and local level environmental policies and objectives;
- Strategic recommendations for the implementation and review of the MDP, considering the enhancement of its environmental performance and for the environmental mainstreaming of local spatial planning strategies and actions. The recommendations will include performance indicators, as well as possible accompanying measures to deal with identified weaknesses, notably in the area of water and waste management; recommendations should be made on the need to carry out the Environmental Impact Assessment (EIA) of any projects resulting from the implementation of the MDP. The recommendations should take into account the views presented by stakeholders and explain how these were integrated in the SEA. In case the concerns were not integrated in the final recommendations, provide explanation as to the reasons;

7. Stakeholder's engagement. The consultant will ensure that the identified key stakeholders are fully engaged in the SEA assignments, as planned during the scoping process and scoping report. Stakeholder engagement should include a mix of different techniques, such as questionnaires, focused semi-structured interviews, and workshops with key stakeholders focusing on the identification of objectives, targets and indicators for the SEA study, and raising environmental awareness during the process. This will include a workshop to present results of scoping phase; and a presentation of the SEA methodology, and findings to MESP/municipal teams and all relevant stakeholders.

## Assignment 2: SEA for MZM

8. Data analyses and report writing, drawing from previous baseline report and SEA conducted during assignment 1;

9. Critical questions to address in the SEA report for MZM:

- a. Scenarios assessment: Key benefits and problems/risks;
- b. Recommendations for environmental mainstreaming (e.g. green infrastructure, ecosystem services, riverbed filtration enhancement / urban stream restoration);
- c. Multi-criteria analyses, Cost-benefit analyses;

10. Stakeholder's engagement. Conduct workshop with municipal staff and local environmental stakeholders to support the MZM drafting on the integration of environmental mainstreaming opportunities into the new Spatial Development framework and assess the environmental performance of the proposed MZM; Presentation of final SEA report for MZM and public debate.

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<sup>1</sup> As foreseen by the draft Administrative Instruction on elements and basic requirements for drafting, implementation and monitoring of Municipal Development Plan

The start of the consultancy is scheduled for [insert date] and is expected to end by [insert date]. In addition to producing the SEA scoping study and SEA Reports, the consultant will contribute to raise environmental awareness at the municipal level through conducting SEA presentations and public debates with local level stakeholders.

## Final deliverables

During the assignment, the consultant will deliver the following documents:

- Written comments to all successive chapters of the MDP/MZM documents;
- Based on the review process, on-site evaluations and consultation process with stakeholders, the SEA scoping study is produced with gaps identified in relation to what is required for environmental mainstreaming as per MDP objectives and “where we are” (current institutional and policy set up for sustainable use of natural resources) in fulfilling those. The findings of the baseline analysis will feed into SEA for both MDP and MZM and should include a baseline gender analysis report with focus on identifying gender gaps in access to economic, climate risks and natural resources management, decision making with recommendations developed to address gender gaps in formulating gender indicators relevant for local environmental mainstreaming into long-term development planning at the municipal level through testing environmental objectives against MDP/MZM alternatives, mitigation measures etc.
- Presentations of findings, comments and recommendations for the way forward during meetings with all counterparts;
- Draft versions of both SEA Reports to be submitted to the Public Review together with the draft MDP/MZM.
- Final versions of both SEA Reports

The exact timing of the deliveries will be determined during the course of the assignments.

## Qualifications

### Education

University Degree in Spatial and Urban Planning, Environmental Studies or equivalent relevant academic degree.

### Work experience and other requirements

- A minimum of five years professional practical experience in related field;
- Excellent knowledge of Strategic Environmental Assessment and practice in related fields such as monitoring and evaluation and strategic planning, municipal development plans, particularly with reference to EU requirements in this field;
- Familiarity with spatial planning practices;
- Experience in scenario development and analysis, including gender equality considerations;
- Experience in developing and facilitating workshops and public presentations for stakeholder involvement;
- Good knowledge of local development processes, green economy and green accounting concepts, environmental conservation and green infrastructure concepts;
- Ability to work in a team and to undertake initiative to ensure smooth relations and open communication within the team and with partners;
- Good analytical, solution defining and creative skills;
- Good presentation and report writing skills;
- Previous experience from the South East Europe region;
- It is essential that the candidate be able to meet deadlines for reporting and all project work.

## Annex 1 - List of Kosovo Legislation on Environment and other relevant documents to be considered

Kosovo Legislation on Environment and Spatial Planning to be considered:<sup>2</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>2</sup>Some may contain addition Kosovan 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

## Annex 2 - Standard format for Environmental Reports

Chapter	Content	Information to be provided in SEA reports <sup>3</sup>
<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>  <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</i>

<sup>3</sup> For further information, please refer to the SEA Law or the SEA Guidelines

Chapter	Content	Information to be provided in SEA reports <sup>3</sup>
		<i>effects on the environment of implementing the plan</i>
<b>Chapter 7.</b> <b>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>