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## **1. Introduction**

This Manual sets out the general principles of Strategic Environmental Assessment (SEA) of Plans and Programs, explains relevant aspects of implementing national legislation, discusses and visually presents in diagrams different procedures and stages of the Assessment process, and introduces most frequently used methods of identification and evaluation of the effects of plans and programs on the environment.

Additionally, the Manual addresses issues relevant for SEA of plan and programs, which might have significant effects on established or potential „Natura 2000” territories, describes public participation in the SEA process, and answers the Most Frequently Asked Questions on Strategic Environmental Assessment of Plans and Programs. Annexes to the Manual contain legal documents, currently stipulating Strategic Environmental Assessment of Plans and Programs in Lithuania.

The Manual is aimed at the organizers of preparation of plans and programs, other participants of the SEA process, and anyone interested in Strategic Environmental Assessment of Plans and Programs.

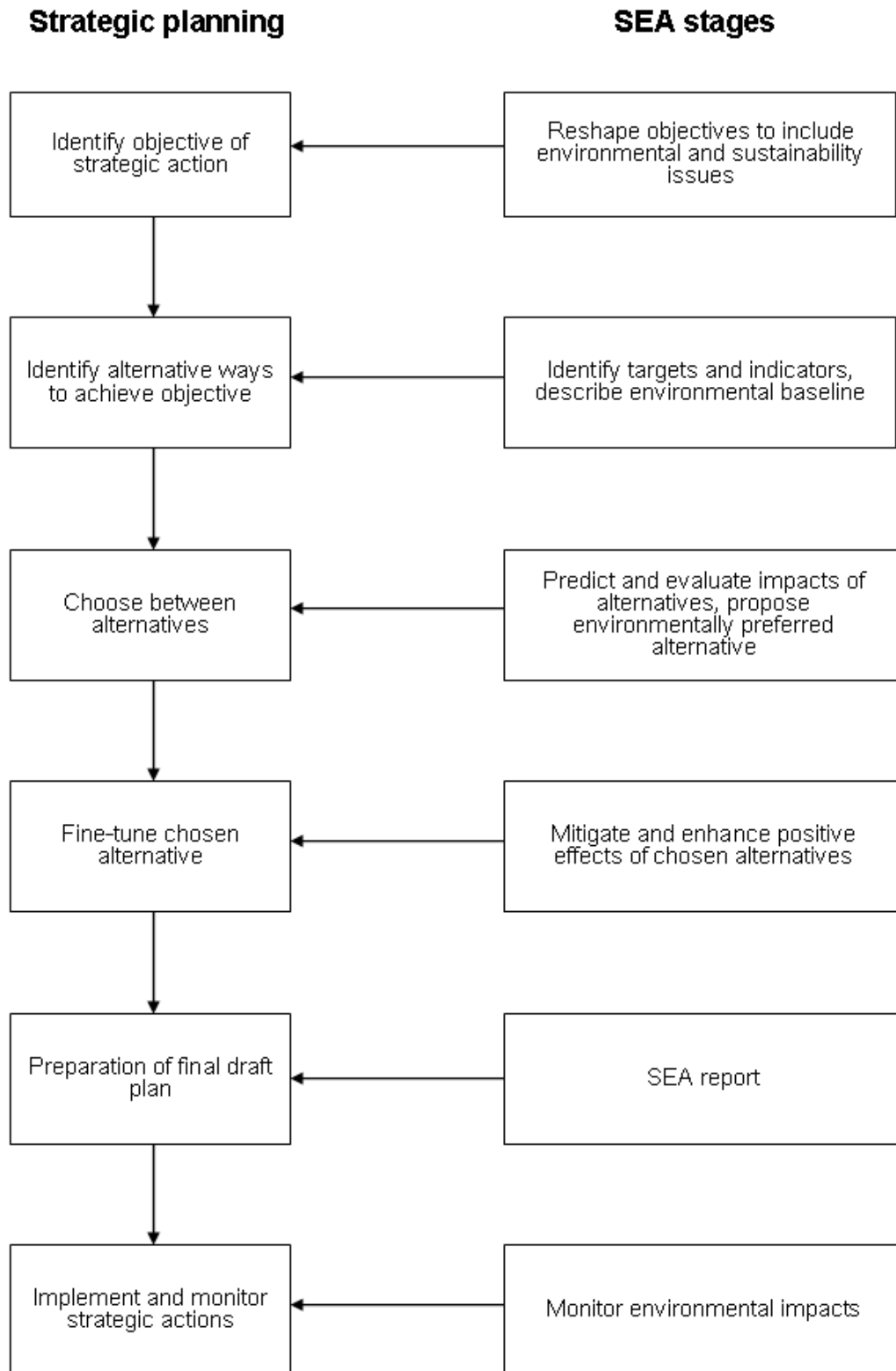
## **2. General Information about Strategic Environmental Assessment (SEA)**

Lithuanian SEA legislation defines Strategic Environmental Assessment as definition, description and assessment process of potential environmental effects of implementation of certain plans and programs, during which strategic environmental assessment documents are prepared, consultations are carried out, results of assessment and consultations are taken into consideration before adoption and (or) ratification of plan and program, and information related to adoption and (or) ratification of the plan and program is provided. Three main objectives of SEA are further outlined:

- To identify, characterize and assess potential effects of plans and programs on the environment;
- To ensure that consultations with certain governmental/municipal institutions and the public are carried out, and the results of these consultations are taken into account;
- To ensure that the organizer of preparation of a plan or program will have sufficient and reliable information related to potential effects of implementation of a plan or program on the environment and will take this information into account.

There are three key principles of successful SEA emphasized in the literature. Firstly, SEA should identify and compare different alternatives of plans and programs (or alternative options). Secondly, SEA should not merely analyze the effects on environment, but to improve the plans or programs in terms of positive environmental effects and sustainable development. In order to implement these two principles it is essential to integrate SEA procedures into the key strategic decision making and planning stages (see Fig. 2.1) and ensure that SEA starts as early as possible, when all alternatives of the plan or program are still open for consideration.

**Fig. 2.1.** Integration of SEA procedures into the key strategic decision making stages



Thirdly, a dialogue between the preparers of plans and programs, the team preparing SEA documents, relevant public institutions and the public should be ensured during the whole SEA process.

When properly implemented, the SEA process should:

- Provide for a high level of environmental protection, preserve and improve the quality of environment and human health protection, rational and sustainable usage of natural resources;
- Improve the quality of plan and program preparation;
- Increase the efficiency of decision-making;
- Facilitate the identification of new opportunities for development;
- Help to prevent misguided decisions;
- Facilitate transboundary cooperation.

## 2.1. Main Types of Plans and Programs

**Policy orientated** plans and programs focus more or less on the choice of line of action. Typically these kinds of programs are not bound to any certain location, they may be nationwide decisions which direction to choose. Some examples of this type of programs are energy programs, which determine which kinds of energy production mode (wind, solar, hydro, conventional, nuclear) is supported and which are not. Other examples could be waste management strategies that focus on different ways of handling waste (source separation centralized separation, incineration, landfill, recycling fractions and rates, etc., but do not yet discuss the locations of the waste management sites.

**Project orientated** plans and programs usually include one or several projects to be assessed. The focus of these types of plans and programs is on a question which alternative projects to choose for development. They differ from project level EIA's in a way that they are comparing several projects and maybe different project types. Examples of this type of plans and programs are e.g. transport plans, which purpose is to determine which mode or transport should be selected for certain transportation needs (e.g. taking care of transportation of goods between two major cities either using waterways, railways or road transportation and hence directing the investments to certain projects) or a harbor program of a country or region, which is deciding which alternative places (in a regional scale) should be developed as harbors.

**Area bound** plans and programs usually determine the use of certain areas for certain purposes while the future development projects are not necessarily known at the planning stage.

Additional information about the types of plans and programs which are subject to SEA is provided in Chapter 4.2.

## **2.2. SEA Approaches**

### **Objective led assessment**

Objective led assessment means that the objectives of the plan or program are evaluated against some environmental and sustainable development objectives. The objectives may be taken as granted from a set of generally approved environmental objectives for example the newest EU environmental action plan or the National Program for Sustainable Development. Other possibility is to formulate a set of specific environmental objectives which have relevance for the sector or area of the plan or program.

Objective led assessment is often used in case of policy oriented plans and programs. It is natural, since this type of plans or programs seldom have concrete projects included and they are not necessary connected with certain geographical area. This makes it difficult to assess the impacts since the projects are not known and the natural conditions are not known. However the assessment of objectives reveals to what extent the environmental concern as sustainable development objectives have been taken into consideration in the plan or program.

The methods used in objective led assessment are mostly often matrixes and tables, multi-criteria analysis and causal effect diagrams (see Chapter 6).

### **Impact led assessment**

Impact led assessment is often used in the assessment of project oriented plans or programs. This approach is also sometimes called Environmental Impact Assessment (EIA) approach. The key point is that the projects and sometimes even the locations of the projects are known in the course of preparation of the plan or program. However the document itself is strategic by its nature since it compares several projects and might include even different project types.

In impact led assessments the methods used are mainly traditional EIA methodologies i.e. assessing impacts of different projects / project types included into the program by using such tools as computer modeling, geographical information systems (GIS), etc.

### **Baseline led assessment**

Baseline led approach can be used in the assessment of plans and programs which are bound to certain geographical area. The idea is to take the environmental conditions as the leading factor in the assessment. Deriving from the baseline data, conclusions can be made, what kind of activities can be allowed in the chosen environment. This approach is sometimes used in assessment of land use plans or plans or programs which are dealing with natural resource management of certain geographical area.

The methodology often used in baseline led assessment, especially in land use planning is often GIS-based systems and map overlays.

### **2.3. How to Choose the Approach**

In policy oriented plans and programs it is very difficult to use any other than objective led assessment. The impact led assessment is ruled out, since there are not necessary concrete projects for which the impacts could be identified. The baseline led approach is ruled out as well, since the specific site and environment is not known at the time of assessment.

In project oriented plans and programs any of the three approaches may be used. The projects are known, so the concrete impacts can be determined and thus the impact led assessment could be employed. Also the objective led assessment may be used since any plan or program contains the objectives that can be evaluated against the environmental and sustainable development objectives. The choice then depends on the resources. It is clear that identifying and assessing impacts of the several projects included into the program means multiple work compared to project level EIA. If the projects will need an EIA anyway, the SEA may stay on a more general level in assessing impacts. If the locations of the projects are known, the baseline led approach may be used as well. However the question of resources and availability of data is in a key role in deciding whether to apply this approach. A combined approach may be used also, but it should be evaluated, which approach best serves the objectives of the assessment.

In area bound plans and programs either objective led or baseline led assessment may be applied. The choice depends on the planning style; for example German land use planning tradition is much more physically oriented than the British one. Therefore the Germans use more often the baseline led approach, whereas the British land use planning tradition is more policy oriented and the objective led approach is commonly used.

## **3. International and National SEA Legislation**

### **3.1. International SEA Legislation**

There are two major documents regulating SEA on international level: (1) 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 (the SEA Directive) and (2) Protocol on Strategic Environmental Assessment to the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention).

The main objective of 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 is to ensure high quality of SEA by unifying different environmental assessment systems operating within Member States, setting common procedural requirements, obligatory contents of assessment documents, obligatory consideration and assessment of alternatives, necessity to consult the authorities with relevant environmental responsibilities, the public and other Member States, if implementation of a plan or program prepared in one Member State is likely to have a significant effect on the environment of other Member States. Also, all Member States are obliged to take into

account the results of assessment, the opinions expressed by the relevant authorities and the public, as well as the results of any transboundary consultation during the preparation of the plan or program and before its adoption or submission to the legislative procedure.

Provisions of the SEA Directive were transposed into relevant legal documents of the Republic of Lithuania in 2004 – 2006 (see Chapter 3.2).

Lithuania ratified UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) on October 8, 1999, adopting a law on ratification No. VIII – 1351 and has joined the Protocol on Strategic Environmental Assessment to the Convention on May 23, 2003.

### **3. 2. National SEA Legislation**

In Lithuania, Strategic Environmental Assessment is regulated by the following national legislation (see Chapter 9):

- *Decision of the Government of the Republic of Lithuania of August 18, 2004, No. 967 on the Approval of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment.* The Regulations stipulate the process of strategic assessment of the effects of plans and programs on the environment and the relationships between the participants of this process.
- *Order of the Minister of Environment of the Republic of Lithuania of August 27, 2004, No. D1-456 on the Approval of the Regulations of the Screening for the Strategic Assessment of the Effects of Plans and Programs on the Environment.* These Regulations stipulate the procedure of the Screening for the Strategic Assessment of the Effects of Plans and Programs on the Environment, and, *inter alia*, regulate preparation and obligatory contents and of the Screening Document.
- *Order of the Minister of Environment of the Republic of Lithuania of August 27, 2004, No. D1-455 on the Approval of the Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union.* These Regulations stipulate participation of general public, relevant governmental and municipal institutions (the so-called stakeholders) in the process of Strategic Environmental Assessment and the procedures of informing other Member States about the ongoing SEA.
- *Decision of the Government of the Republic of Lithuania of September 18, 1996, No. 1079 (amended by Decision of July 16, 2004, No. 904) on the Approval of Regulations on Public Participation in the Process of Territorial Planning.* These Regulations stipulate participation of the public in the process of Strategic Environmental Assessment of territorial planning documents and in the process of territorial planning itself.
- *Order of the Minister of Environment of the Republic of Lithuania of May 22, 2006, No. D1-255 on the Approval of the Regulations of Determination of Significance of the Effects of Implementation of Plans,*

*Programs and Proposed Economic Activities on Established or Potential „Natura 2000” Territories.* These Regulations contain a questionnaire for determination of significance and criteria, by employing which, institution responsible for organization of protection and management of established or potential „Natura 2000” territories can determine if implementation of a plan, program or proposed economic activity (separately or in combination with other plans and programs) might have significant effects on established or potential „Natura 2000” territories and if therefore strategic environmental assessment of such a plan or program or environmental impact assessment of proposed economic activity shall be carried out.

## **4. Relevant SEA Issues**

### **4.1. Integration of Strategic Environmental Assessment of Plans and Programs into the Process of Preparation of Planning Documents**

Both Strategic Environmental Assessment of Plans and Programs and Environmental Impact Assessment of Proposed Economic Activities (projects) are preventive environmental instruments thus one of the most important principles is to ensure that organizers of preparation of plans and programs will have comprehensive and reliable information about potential significant effects of implementation of the plan or program at an *earliest possible* planning stage.

Possibility to integrate environmental issues into the earliest planning stage was one of the reasons the SEA was developed, since in many cases the problems which emerge during the process of Environmental Impact Assessment (e.g. public opposition, lack of viable site alternatives, etc.) are too late to be solved at the project level.

As mentioned before, prevention is an essential feature of SEA, thus integration of strategic environmental assessment of plans and programs into the process of preparation of planning documents requires that assessment is carried out before adoption and (or) approval of plans and programs, when it is not too late for selection of the most suitable alternative of the solutions of a plan or program.

Since any type of plan or program at any planning level might be subject to SEA if its effects may be significant on the environment, legislation does not stipulate the planning stage during which the Assessment shall be carried out. The organizer of preparation of plans and programs may select the most suitable planning stage (or stages) as long as there is sufficient information about the solutions of a plan or program *and* it is not too late for consideration of new alternatives of the solutions or implementation sites of a plan or program.

Exceptions to this statement are territorial planning documents – the stages and phases of which are extensively stipulated by legislation. In cases of territorial planning documents the procedures of Strategic Environmental Assessment are integrated into different stages and phases of preparation process of these documents: Screening for SEA is carried out in during the preparatory stage, while the scoping document and SEA report are prepared during the stage of preparation of the concept of territorial planning documents.

## 4.2. Plans and Programs for which SEA Legislation is Applied. Cases of Obligatory SEA

According to the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment, the assessment shall be carried out for planning documents (including complete or partial amendments) of any type or planning level<sup>1</sup>, if the effects of their implementation may be significant on the environment (see Table 4.1).

**Table 4.1.** Examples of planning documents (and their types) which are subject to SEA procedures

Examples of planning documents' types, which are subject to SEA procedures	Examples of planning documents, which are subject to SEA procedures
<ul style="list-style-type: none"> <li>- Regional development plans</li> <li>- Specific sectoral strategies</li> <li>- Action Programs for Implementing the Lithuanian Strategy for the Use of EU Structural Funds for 2007-2013</li> <li>- Territorial planning documents</li> </ul>	<ul style="list-style-type: none"> <li>- Long-term State Development Strategy</li> <li>- Lithuanian Economy Development Strategy</li> <li>- General Economy Development Strategy</li> <li>- National Development Plan</li> <li>- Strategy of Economy Growth and Structural Development</li> <li>- Strategy of Energy Development</li> <li>- Strategy of Transport and Transit Development</li> <li>- Strategy of Industry Development</li> <li>- Strategy of Rural and Agricultural Development</li> <li>- Strategy of Construction Development</li> <li>- Strategy of Regional Economy Development</li> <li>- Strategy of Tourism Development</li> <li>- Action Program of Human Resources Development</li> <li>- Action Program of Economy Development</li> <li>- Cohesion Promotion Action Program</li> <li>- Comprehensive Plan of the Territory of the Republic of Lithuania</li> <li>- Comprehensive Plan of the Territory of Vilnius City</li> </ul>

<sup>1</sup> It shall be noted that SEA is carried out only for plans and programs which are prepared, approved and (or) ratified according to the legislation in force or according to the competence carrying out public administration.

Article 7 of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment lists types of plans and programs the effects of which may be significant on the environment, i.e. when the organizers of preparation of plans and programs are obliged to carry out the assessment. There are four cases when the assessment is obligatory.

In first case, potential significance of the effects of plans or programs on the environment are determined by their types (sectors<sup>2</sup>) and relation to future development consent of projects listed in Annexes I and II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania. In other words, if a plan or program under preparation will potentially set the framework for future development consent of several projects of the same economic activity or several types of economic activities, listed in Annexes I or II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, Strategic Environmental Assessment is obligatory.

In second case, significance of the effects of plans or programs on the environment is related to their type, level and scale - Strategic Environmental Assessment is obligatory preparing comprehensive territorial planning documents of national, regional and district levels and major changes of these documents.

In third case, it is considered if plans or programs may have significant effects on established<sup>3</sup> or potential<sup>4</sup> “Natura 2000” territories. Determination of significance of the effects of plans or programs on established or potential „Natura 2000” territories is carried out by institution responsible for organization of protection and management of such territories (Protected Areas Service under the Ministry of Environment, Directorates of State and Biosphere Reserves, and State Parks) in accordance with the order established by the Ministry of Environment. In this case, if a plan or program is related to established or potential “Natura 2000” territories or to the environment within a vicinity of such territories, and the above mentioned institution determines that implementation of such plan or program (separately or in combination with other plans and programs) might have significant effects on established or potential “Natura 2000” territories, Strategic Environmental Assessment is obligatory.

In fourth case, the organizer of preparation of a plan or program, decides if the implementation of the plan or program under preparation may have significant effects on the environment and if therefore Strategic Environmental Assessment is to be carried out. The procedure of this decision-making is referred to as “Screening for the Strategic Assessment of the Effects of Plans and Programs on the Environment”. The procedure and objects of the Screening are further described in Chapter 5.2 of this Manual.

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<sup>2</sup> Plans and programs which are prepared for industry, energy, transport, telecommunications, tourism, agriculture, forestry, fishery, water management, waste management, territorial planning or land use.

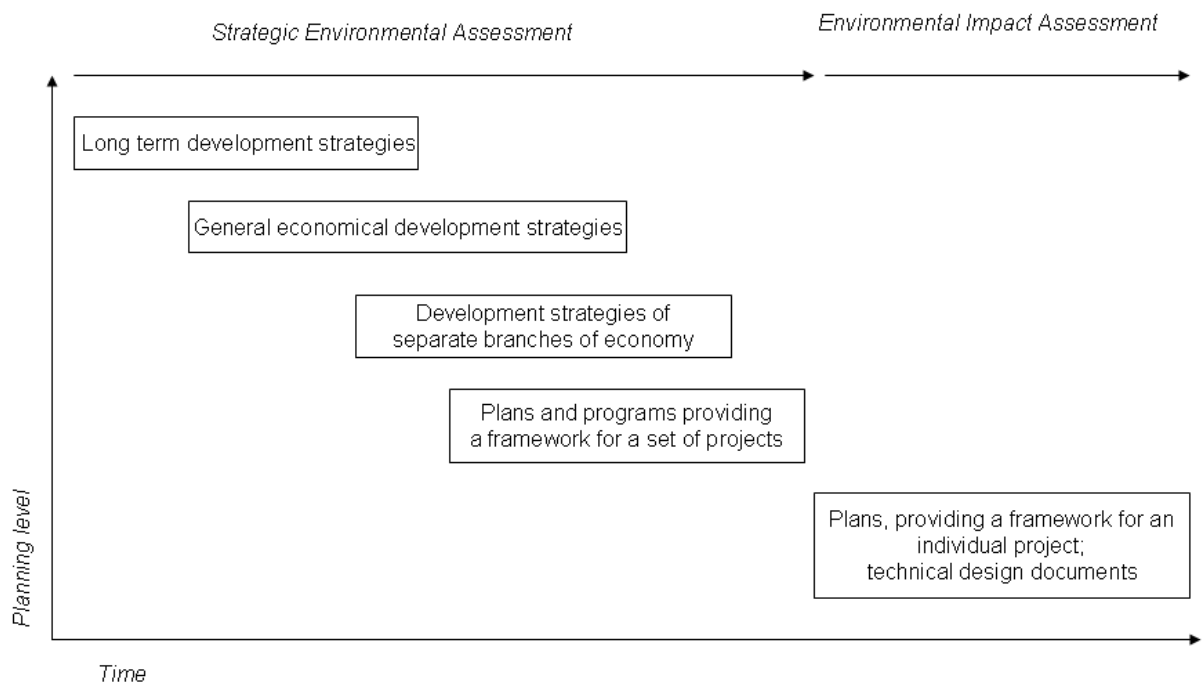
<sup>3</sup> Established “Natura 2000” territories – protected territories of EC importance, consisting of important territories for protection of habitats and birds, with the purpose of protection, maintaining and restoring if necessary of natural habitat types, fauna and flora species within the territory of European Community.

<sup>4</sup> Potential “Natura 2000” territories – areas matching selection criteria for the areas important for protection of natural habitats and included in the list, approved by the Order of the Minister of Environment No. D1-57 of February 4, 2004.

### 4.3. Links between SEA and Project EIA

Lithuanian legislation of strategic environmental assessment of plans and programs and environmental impact assessment were prepared mainly by transposing relevant requirements of the European Union directives, thus information about the links between SEA and project level EIA can be found not only in the scientific literature but also in manuals and guidance of implementation of international legislation.

A consensus regarding the links between the assessment of individual projects and assessment of strategic actions can be found in the literature. It is very important to recognize that SEA deals with a hierarchy of strategic decision making where “more strategic” actions affect other strategic actions and, ultimately affect what actual project will be implemented and their impacts will be dealt with during individual project EIAs:



Distinction between the two assessments (EIA and SEA) being performed in different planning levels is clearly represented in the opinion of the European Commission, which first presented and then accompanied the SEA Directive from the very beginning through all stages. In 1999 the Commission defined SEA as “a similar technique to environmental impact assessment (EIA) but normally applied to policies, plans, programs and groups of projects. SEA comprises two main types: sectoral SEA, applied when many new projects fall within one sector, and regional SEA, applied when broad economic development is planned within one region”.

Also, the Environment Directorate-General of the European Commission further explained the difference between SEA and EIA stages in the Implementation Guidance of Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programs on the environment: “the assessment under the EIA Directive is usually performed at a later stage of the decision making process than that

under Directive 2001/42/EC, since it deals with projects instead of plans and programs setting the framework for such projects”.

The hierarchic linkage between SEAs and resulting EIAs is often called “tiering” in the literature. The SEA of policy will affect and inform the SEA of plans, which in turn will affect and inform the SEA of programs, which in turn will affect and inform the EIA of projects. Also, it is acknowledged that during the SEAs, broad strategic and site alternatives should be developed and analyzed, as well as indirect effects and the effects of cumulative nature (resulting from several projects and different types of projects) should be assessed. The results of the SEAs should be then used in subsequent project level EIAs, further and in more technical detail analyzing preferred alternatives, selected during SEAs, and using more quantitative analysis.

It should be noted in some cases (e.g. during preparation of territorial planning documents, which are subject to SEA but provide development framework for projects, which are subject to EIA) it may happen that the requirements of SEA and EIA legislation coincide and thus the procedures of the two processes become overlapped and repetitive.

However, according to “The Relationship between the EIA and SEA Directives; Final Report to the European Commission”, which was prepared in 2005, the Member States shall ensure that when the assessment is obligatory according to both Directives, the procedures of both EIA, and SEA shall be performed, i.e. in such cases it is not sufficient to apply either strategic or project type of assessment.

#### **4.4. Exemptions Foreseen in SEA Legislation. Application of Legislation, Regulating Strategic Environmental Assessment of Plans and Programs and Legislation, Regulating Environmental Impact Assessment of Proposed Economic Activities**

Article 3 of the Decision of the Government of the Republic of Lithuania of August 18, 2004, No. 967 on the Approval of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment foresees certain exemptions when SEA legislation is not applied.

First three clauses of this Article stipulate that SEA legislation is not applied for preparation and approval of plans and programs the sole purpose of which is to serve national defense, manage civil emergency situations or to plan finances / budget, and territorial detailed plans, which are prepared, approved and adopted according to simplified order, as stated in the Law on Territorial Planning, and Rules on Preparation of Detailed Plans, approved by the Ministry of Environment.

The fourth clause of the same Article states that SEA legislation is not applied for preparation and approval of territorial planning documents, the solutions of which allow development of a *single object of economic activity*. According to the common practice and referring to the definition of proposed economic activity provided in the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania, a *single object of economic activity* is interpreted as a single project, i.e. one type of economic activity with directly related supplementary activities, without which the main activity would be not fully functional. An example of such economic activity would be a single oil extraction site with directly related supplementary activities – boreholes, oil tanks, pipelines, access roads, etc. Hence if a plan or program provides development framework for a single project (one type of economic activity with directly related

supplementary activities), EIA legislation shall be applied instead of SEA legislation. However, if a planning document sets the framework for future development of *several* objects of even the same type of economic activity (e.g. an allocation scheme of gas-stations' sites), SEA legislation shall be applied.

For example, planning an expansion of industrial estate development projects (such economic activity is included in Annex II of the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania), in cases when expansion of a single project is proposed, with an intention to increase the capacity of the activity already being carried out on the site, the procedures of EIA shall be commenced.

On the other hand, if a plan of expansion of industrial estate development projects (e.g. a plan of expansion of a Free Economic Zone) besides the existing activity proposes development of other, *functionally (and directly) non-related* economic activities, then the procedures of SEA shall be commenced (e.g.: the existing activity – production of methyl ester, proposed new activities – smelting of metals, production of chemicals, plastic materials, furniture, etc.). After the SEA procedures are carried out, for each single project (economic activity) foreseen in such a plan provision of the Law on Environmental Impact Assessment of the Proposed Economic Activity shall be applied.

The fifth clause of Article 3 states that SEA legislation is not applied for preparation and approval of plans and programs, the *purpose of which is to solve nature management issues*, and which *do not set framework for economic activity projects* to be approved by environmental authorities. Table 4.2 contains examples of two plans, which both include nature management issues. However, nature management issues are not the sole purpose of the first plan; it also foresees economic activities, which will have to be approved by environmental authorities, thus SEA legislation shall be applied and screening for SEA shall be carried out. The sole purpose of the second plan is to solve nature management issues, and it does not set framework for economic activity projects to be approved by environmental authorities, hence SEA legislation shall not be applied for this plan.

Finally, the sixth (ant last) clause of Article 3 states that SEA legislation is not applied for preparation and approval of plans and programs co-financed under certain Council Regulations (EC) <sup>5</sup>.

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<sup>5</sup> Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (2000-2006 programming period) and Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations, partly changing certain regulations (2000-2006 and 2000-2007 programming periods).

**Table 4.2.** Examples of plans containing nature management issues (when SEA legislation shall and shall not be applied)

	<i>Example of a plan, the purpose of which (among others) is to solve nature management issues, and which sets framework for economic activity projects to be approved by environmental authorities (SEA legislation shall be applied and screening for SEA shall be carried out)</i>	<i>Example of a plan, the sole purpose of which is to solve nature management issues, and which does not set framework for economic activity projects to be approved by environmental authorities (SEA legislation shall not be applied)</i>
<i>Title of the plan</i>	Special plan of Ažušilė landscape reserve and adjacent territory with a purpose of developing recreational tourism and infrastructure for tourism and recreation	Nature management plan of an important territory for protection of habitats – Zervynas lake and its coastal areas
<i>Main objectives</i>	To set directions, priorities and measures for developing recreational tourism, to create a rational network and structure of public and other tourism facilities and infrastructure objects, such as touring (motoring, biking, skiing and pedestrian) routes, natural and cultural objects, camping and resting sites, beaches, sight-seeing sites, informational installations, tourism centers, tourism homesteads, public catering establishments, etc., and to ensure rational usage, development and restoration of tourism and recreation resources	Ensure and maintain favorable conservation status of local population of swamp turtles ( <i>Emys orbicularis</i> ) by implementing the following measures: maintain and restore habitats required for breeding and habitation; establish conditions for natural restoration of turtles' populations; inform local inhabitants and economic entities about nature management measures and promote independent attendance of important habitats
<i>Reasons why the SEA legislation is or is not applied</i>	Actions foreseen in the plan set framework for economic activity projects to be approved by environmental authorities, e.g. (1) reconstruction of existing resting sites into camping sites, (2) reconstruction and renovation of existing gravel roads, (3) construction of a new overlook tower	Actions foreseen in the plan (cutting the trees and bushes thus improving hydrological regime of the habitats, mowing the coastal territories; carving coastal greensward; covering of the eggs; construction of reserve signs and informational stands) do not set framework for economic activity projects to be approved by environmental authorities

#### 4.5. Participants of the SEA Process

Participants of the SEA process are listed in Article 8 of the Decision of the Government of the Republic of Lithuania of August 18, 2004, No. 967 on the Approval of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment. These are the organizers of preparation of plans and programs, stakeholders of the Assessment (governmental and municipal institutions responsible for environmental protection, health protection, management and protection of protected territories, protection of cultural assets), and the public.

It should be noted that when a plan or program of a different level is assessed, stakeholders (governmental and municipal institutions) of a relevant level participate in the SEA.

When SEA of national level plans and programs is carried out, the participating stakeholders are: Ministry of Environment, Ministry of Health Protection, Protected Areas' Service under the Ministry of Environment, Ministry of Culture, and Administrations of the Governors of Counties.

When SEA of regional level plans and programs is carried out, the participating stakeholders are: Ministry of Environment or it's authorized institution (a Regional Environmental Protection Department), Ministry of Health Protection or it's authorized institution (Public Health Center), Protected Areas Service under the Ministry of Environment, Ministry of Culture or it's authorized institution (Territorial Divisions of the Department of Cultural Heritage under the Ministry of Culture), Administration of the County's Governor, and municipalities within the territory of the region.

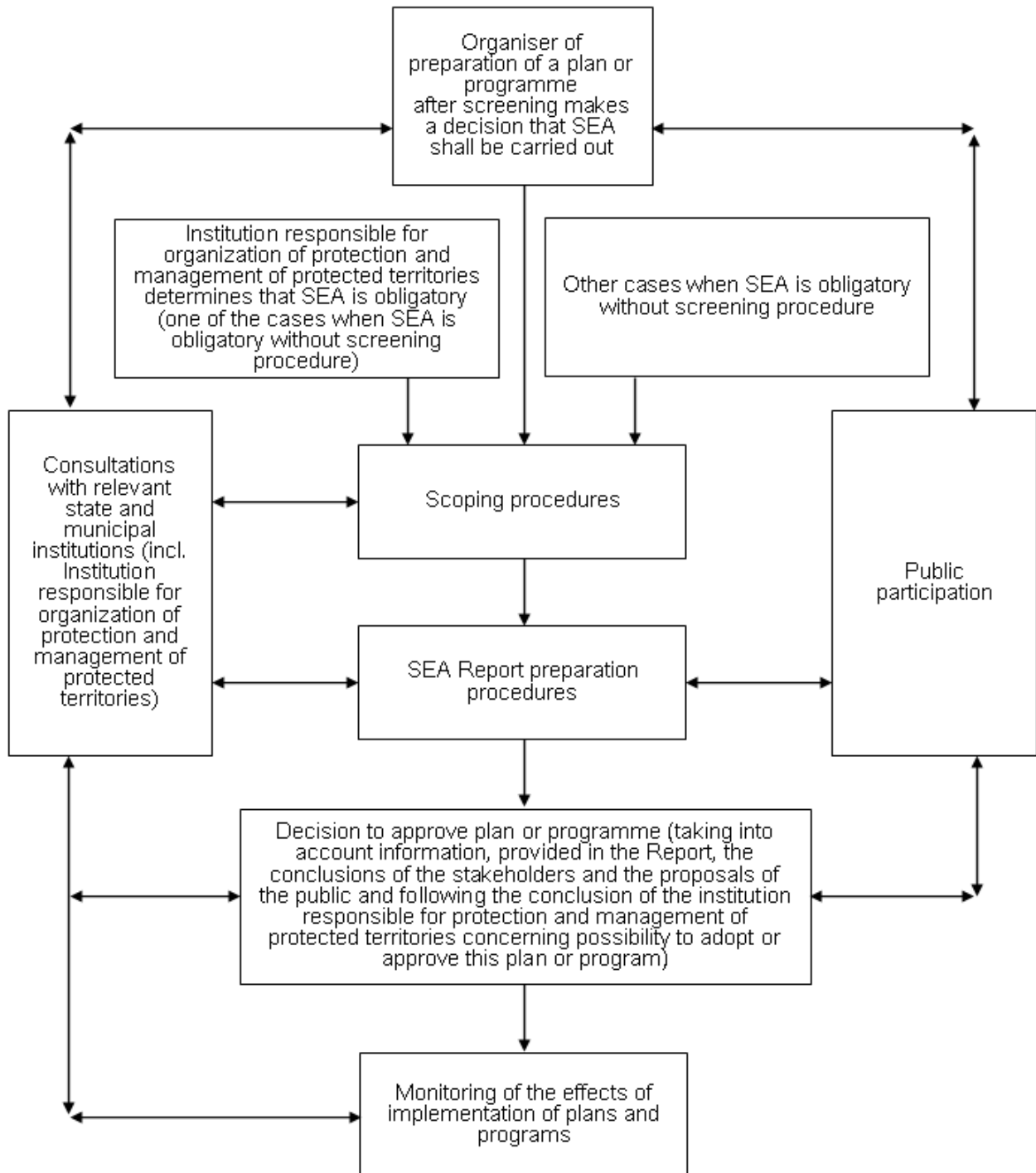
When SEA of district and local level plans and programs is carried out, the participating stakeholders are: relevant Regional Environmental Protection Department of the Ministry of Environment, relevant territorial division of the Ministry of Health Protection (Public Health Center), Protected Areas service under the Ministry of Environment, relevant territorial division of the Ministry of Culture, and municipalities within territory of the district or locality.

## **5. The SEA Process**

Relevant international and national legislation defines strategic environmental assessment as a process of definition, description and assessment of potential environmental effects of implementation of certain plans and programs, during which strategic environmental assessment documents are prepared, consultations are carried out, results of assessment and consultations are taken into consideration before adoption and (or) ratification of plan and program, information related to adoption and (or) ratification of the plan and program is provided.

The process of strategic environmental assessment (see Fig. 5.1) consists of five main stages: (1) screening for the strategic assessment of the effects of plans and programs on the environment, (2) preparation and investigation of scoping document (including consultations with the public and relevant governmental and municipal institutions), (3) preparation and investigation of the report of assessment (including consultations with the public and relevant governmental and municipal institutions), (4) making decision to approve plan or program (taking into account information, provided in the report, the conclusions of the stakeholders and the proposals of the public, and following the conclusion of the institution responsible for protection and management of protected territories concerning possibility to adopt or approve this plan or program), and (5) monitoring of the effects of implementation of plan or program.

**Fig. 5.1.** The process of strategic environmental assessment



All five main stages of the strategic environmental assessment process are further described in this chapter.

## **5.1. Determination of Potential Significant Effects on Established and Potential „Natura 2000” Territories and Determination if Strategic Environmental Assessment is therefore Obligatory**

### **5.1.1. “Natura 2000” Network and Impact Assessment**

At the EU level “Natura 2000” ecological network is considered as the most important initiative to meet the EU's goal to halt biodiversity decline within the EU by 2010. Thus it is the centerpiece of the EU's Nature and biodiversity policy. “Natura 2000” network is an EU-wide network which aims to conserve areas of high importance for threatened species and habitats. It comprises Special Areas of Conservation (SACs) designated by Member States under the Habitats Directive (CEC, Directive 92/43/EEC) and also incorporates Special Protection Areas (SPAs) which are designated under the 1979 Birds Directive (CEC, Directive 79/409/EEC).

The selection of sites for the network is based on scientific criteria, such as the size and density of populations of the species and the ecological quality and area of habitats types. The Member States propose candidate sites (SCIs) to the European Commission. The Commission and the Member State discuss the sites in biogeographical seminars to include the sites into the “Natura 2000” network. After approval of the final sites (SACs) it is up to the Member State to protect and manage the “Natura 2000” sites (both SACs and SPAs) in its territory.

Renewed information about Lithuanian “Natura 2000” sites (SCIs) last time was presented to the European Commission in May, 2006. The Commission was informed about 77 Special Protection Areas designated under the Birds Directive (in national legislation these areas are called “territories, important for protection of birds”) and 266 proposed Special Areas of Conservation, designated under the Habitats Directive (in national legislation these areas are called “areas matching selection criteria for the areas important for protection of natural habitats”).

The list of territories, important for protection of birds was approved by Decision No. 399 of the Government of Lithuania on April 8, 2004 and was several times amended after the procedures of establishing national protected territories in the areas, which are important for protection of birds but did not have any protection status. Currently the territories, important for protection of birds cover 542,4 thousand ha or 8,3 percent of the Lithuanian territory.

The list of areas matching selection criteria for the areas important for protection of natural habitats was approved by Decision No. D1-302 of the Minister of Environment of Lithuania on June 15, 2005 and was amended with 29 new territories in November, 2006 by Decision of the Minister of Environment No. D1-518. Currently these territories cover 649 thousand ha or 9,94 percent of the Lithuanian territory.

Territories, important for protection of birds and areas matching selection criteria for the areas important for protection of natural habitats mostly overlap (about 32 percent). Total area of “Natura 2000” territories is about 11,96 percent of the Lithuanian territory.

It is usually possible that human activities that have been practiced in “Natura 2000” sites can be continued. Even in some cases human activity is a precondition for preserving the site's conservation objectives, e.g. practices of traditional agriculture.

New developments are not prohibited a priori within or in vicinity of “Natura 2000” sites. New projects, plans and programs possibly affecting “Natura 2000” sites are judged case by case. In the Habitats Directive article 6(3), there is a clear procedure when and how to assess these impacts and how the outcome of the assessment should be treated in subsequent decisions.

According to the requirements of Lithuanian legislation, such assessment shall be carried out if a project (proposed economic activity), a plan or a program might have significant effects on established or potential “Natura 2000” territories. In cases of plans and programs, the assessment may be integrated into the SEA process and the results of the assessment included in the SEA (environmental) report.

Neither the scope, nor the contents of the assessment of impacts on “Natura 2000” territories are legally stipulated in Lithuania at the moment.

Some non-binding methodological guidance on the assessment on the EU level has been prepared and can be found on the Commission's Internet pages: [http://www.europa.eu.int/comm/environment/nature/nature\\_conservation/eu\\_nature\\_legislation/specific\\_articles/art6/index\\_en.htm](http://www.europa.eu.int/comm/environment/nature/nature_conservation/eu_nature_legislation/specific_articles/art6/index_en.htm) or <http://europa.eu.int/comm/environment/nature/> ->EU Nature conservation-> EU Nature legislation -> Work on specific articles of directives -> Habitats Directive: Art 6 (Managing “Natura 2000” Sites, The provisions of Article 6 of the Habitats directive 92/43/EEC; Assessment of Plans and Projects significantly Affecting “Natura 2000” Sites, Methodological Guidance on the provision of Article 6(3) and 6 (4) of the Habitats directive).

### **5.1.2. Determination of Significance of the Effects on “Natura 2000” Territories**

Determination whether impacts on a “Natura 2000” site are likely or not is one of the procedures of SEA. Natura Assessment screening is a process which identifies the likely impacts upon a “Natura 2000” site of a plan or program, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. In Lithuania, the State Service for Protected Areas of the Ministry of Environment (SSPA) is responsible for giving an opinion on this Natura Assessment screening. The authority responsible for the plan or program should provide information and based on this information the SSPA determines whether impacts are likely to be significant on the “Natura 2000” site. The conclusions given by the SSPA are binding.

Lithuanian Order of Determination of Significance of the Effects of Implementation of Plans, Programs and Proposed Economic Activities on “Natura 2000” Territories (Order No. D1-255 of the Minister of Environment, May 22, 2006) sets requirements for information that is necessary to decide upon significance. The information is provided for in a specific form, which (Annex 1, part A) is filled by the authority preparing a plan or a program. This information includes characterization of the project or plan and the recipient environment.

It is also important to describe other plans, programs, projects and activities which are already approved, under preparation or being implemented in the same “Natura 2000” site that the plan or pro-gram in question may affect. Therefore, information on

characteristics and pressures or emissions of these existing or planned activities to a “Natura 2000” site is necessary to assess cumulative or "in combination" impacts. Sometimes it is difficult to obtain information on other planned or existing activities and especially on those which are just under preparation.

However, it is not useful in all cases to collect exactly the same information on the other planned or existing activities than on the plan or program in question. The main task is to identify all planned or existing activities which might act in combination with the impacts of the plan or program in question and concentrate on the most important impacts. In order to find out these activities and their impacts, it is useful to define geographical boundaries for examination of cumulative impacts. It is essential to pay attention to different pathways through which cumulative impacts can be carried, e.g. via water from a large drainage area.

It is important that the provided information is assessed side by side with the information gathered on the other existing or planned activities. The final determination of the significance depends equally on the already planned or existing activities and the new plan or program. There might be even cases, in which the already existing and planned activities will cause a significant adverse effect on a “Natura 2000” site and the new plan or program is out of question without changing existing plans or programs.

How is the significance determined on the basis of the provided information? Plans and projects are usually site-specific and the matters are best to deal with on a case-by-case basis. Thus it is not possible to provide unambiguous criteria. Besides, Natura Assessment screening deals with the likeliness of the significant impacts and not with the final outcome of the Natura Assessment. Thus the precautionary principle should be applied. If after the Natura Assessment screening phase there is still uncertainty about the significance, a Natura Assessment, and therefore SEA, are obligatory. If it can be objectively concluded that there are no likely significant adverse effects on the Natura site the Natura Assessment, and therefore SEA, are unnecessary on the basis of potential effects on a “Natura 2000” site. However, there may be some other criteria unconnected with “Natura 2000” network requiring SEA.

Plans and programs and their assessment approaches might be different in their relation to the “Natura 2000” network. Usually plans and programs with strong policy orientation including very general level policy oriented statements do not have effects on “Natura 2000” sites because they are not spatially bound to certain areas. The most probable plan or program type that affects “Natura 2000” sites is land use/territorial planning. The duty to assess concerns all plan levels from national and regional to local detailed land use plans. Also other plans and programs e.g. transport network plans, waste management plans or water management plans may have impacts on “Natura 2000” sites. Usually, the more detailed the plan or program is, the more likely it is to have effects on a “Natura 2000” site.

### **5.1.3. Screening Criteria for Determination of Significance of the Effects on “Natura 2000” Territories**

Determining the significance of the effects of implementation of plans and programs on “Natura 2000” territories is very important to take into account:

- conservation status of a certain site;

- what are the potential effects on this site;
- what types of effects are significant on this particular site;
- how probable are the effects, and
- do the effects take place at the same time with some other effects arising from some other activities.

Table 5.1 describes some important criteria that are used in interpreting the information required in the Annex 1, part A.

**Table 5.1.** Criteria used in determining impact significance

Criterion	Content
<p>Site's conservation objectives</p> <p>Note: the significance depends on what the specific conservation values of the site are, e.g. valuable habitat types or certain bird species.</p> <p>In SPA sites which are selected for bird protection, other valuable aspects, e.g. habitat types and other species, are not treated as conservation objectives that can be harmed by the plan or program. In SCI sites bird species are not treated as conservation objectives.</p>	<p>Habitat Directive's Annex I natural habitat types</p> <p>Annex (SCI sites) Note</p> <p>Habitat Directive's Annex II animal and plant species of community interest (SCI sites), excluding national exceptions – river beavers and wolves.</p> <p>Exception: habitat types and species that are classified in a representativity class D are not treated as conservation objectives</p> <p>Bird Directive's Annex I species (SPA sites)</p> <p>Regularly occurring migratory species meant in Bird Directive article 4.2 (SPA sites)</p>
<p>Effects on the conservation objectives</p>	<p>Disturbance of species</p> <p>Physical changes of the habitats of species</p> <p>Effects on the species viability in the site</p> <p>Reduction of the area of the habitat type</p> <p>Habitat or species population fragmentation</p> <p>Disruption of factors that help to maintain or achieve the favourable conservation status of a species or habitat type</p>
<p>Significant effects</p> <p>Note: even a small change can be significant.</p>	<p>Significance of the effects depends on:</p> <p>Extent of the change</p> <p>Size of the site</p> <p>Importance/ representativeness of the site's conservation objectives</p> <p>Location of the conservation values in the site</p> <p>Integrity of the site, viz. its wholeness in an ecological sense, vital aspects of the ecosystem, ecological functions depending</p>

	on many factors (e.g. nutrient and water balance) Overall coherence/ consistency of the network
Likelihood  Note: effects do not have to be certain to be assessed!	Application of precautionary principle requires that site's conservation status should prevail when there is uncertainty It has to be ascertained that there are no significant effects Probability of the occurrence of effects: low, medium, high
Cumulative effects  Note: the other projects, plans and programs and their impacts have to be taken into account when considering significance!	All existing/ completed, approved or formally proposed projects, plans and programs and their effects Definition of the area where the other affecting projects, plans or programs exist

## 5.2. Screening for Strategic Environmental Assessment

As mentioned in Chapter 4.2, Screening for SEA is one of the approaches to determine if a plan or program might have significant effects on the environment and if therefore an SEA is to be carried out.

Lithuanian legislation on SEA obliges the organizers of preparation of plans and programs to perform the Screening procedure during preparation of:

1. Planning documents, for which SEA would be obligatory because of their types<sup>6</sup> (sectors) and relation to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania<sup>7</sup> (see Chapter 4.2 of this Manual), which *determine the use of small areas at local level* as well as *minor modifications* to such plans and programs.

The concepts “*use of small areas*”, “*local level*” and “*minor modifications to such plans and programs*” are directly transposed from 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 programs on the environment (SEA Directive). According to the Guidance on Implementation of SEA Directive, prepared by representatives of Member States and the Environment Directorate-General of the European Commission, these concepts cannot be expressed in specific and concrete numeric values suitable for all cases, and it should be decided case-by-case for each plan or program under preparation. It should be also mentioned, that the concept “*local level*” shall not be directly related with specific

<sup>6</sup> Plans and programs which are prepared for industry, energy, transport, telecommunications, tourism, agriculture, forestry, fishery, water management, waste management, territorial planning or land use.

<sup>7</sup> Plans and programs which potentially set the framework for future development consent of several projects of the same economic activity or several types of economic activities, listed in Annexes I or II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania.

administrative units, i.e. by transposing provisions of the SEA Directive Member States are not allowed to decide that, e.g. all municipality-level plans are plans of “*local level*” and therefore are only subject to the Screening for SEA. Also, the main criterion, which should be taken into account by the organizers of preparation of plans and programs by using these concepts, should be significance of potential effects of plans and programs on the environment, not level or area covered by the planning documents under preparation.

2. Minor modifications of comprehensive territorial planning documents of national, regional and district levels (decision if modifications are minor shall be based on significance of potential effects of plans and programs on the environment);
3. Other plans and programs which set the framework for future development consent of economic activities projects to be approved by environmental authorities (i.e. if implementation of a plan or program foresees an economic activity, for which any type of permission from environmental authorities is required. It should be noted that the scope of this provisions extends beyond the types of economic activities, listed in Annexes I or II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania).

Screening is performed by the organizer of preparation of a plan or program, taking into account the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment, the Regulations of the Screening for the Strategic Assessment of the Effects of Plans and Programs on the Environment, and the Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union (see Chapter 9 of this Manual).

It should be noted that organizers of preparation of plans and programs may contract natural or legal bodies (consultants) to carry out the assessment and prepare the assessment documents, however, the organizer remains responsible for all decisions made during the SEA process and for due performance of all procedures.

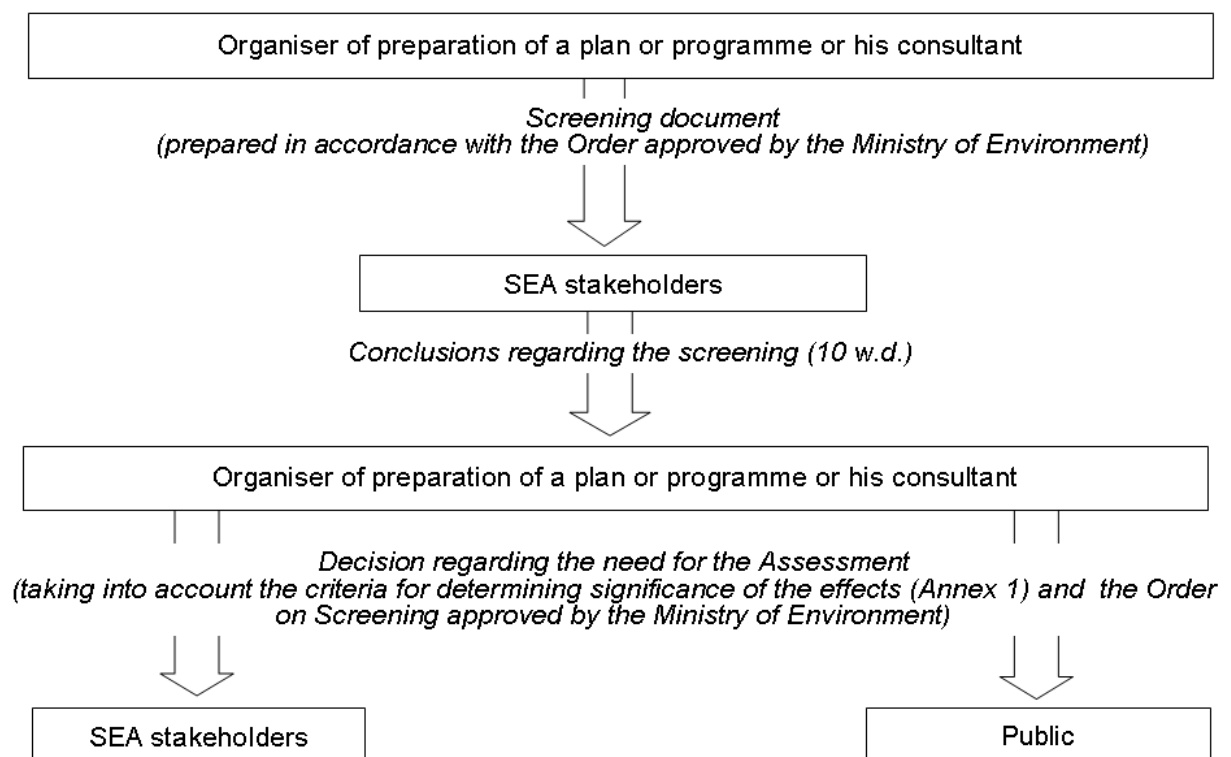
Whilst performing the Screening procedure (see Fig. 5.2), the organizer of preparation of a plan or program (or its consultant) first of all prepares the Screening document, which consists of the “Information, provided by the organizer of preparation of plans and programs” (stipulated in Annex 1 to the Regulations of the Screening for the Strategic Assessment of the Effects of Plans and Programs on the Environment) and completed “Table of significance of the effects of implementation of the plan or program on the Environment” (stipulated in Annex 3 to the Regulations of the Screening for the Strategic Assessment of the Effects of Plans and Programs on the Environment). This Table belongs to the SEA methodology type, called “Impact Tables” (see Chapter 6) and the main objective of completing it is to determine (decide) if implementation of the plan or program may have significant negative environmental effects, and to substantiate this decision, hence assumptions and reasons for deciding that implementation of the plan or program will not have significant negative effects on the environment shall be provided in the Table besides other relevant information. Significance of the effects of the plan or program on the environment is determined by using criteria, provided in Annex 2 to the Regulations of the Screening for the Strategic Assessment of the Effects of Plans and

Programs on the Environment, taking into account not only all categories of the criteria for determining the significance (characteristics of plans and programs, characteristics of the effects and of the area likely to be affected), but also interaction between them.

Strategic Environmental Assessment is obligatory not only when it is likely that at least one of the components of environment will be significantly and negatively affected, but also when there is no sufficient information for deciding if the effects of the plan or program under preparation are significant (the organizer of preparation of the plan or program may acquire this information by either using other chosen methods, or by carrying out the SEA).

Before making a decision if the SEA is to be carried out, the organizer of preparation of a plan or program shall consult with relevant governmental and municipal institutions (stakeholders of SEA). The basis for consultations is the Screening Document, which must be submitted to the stakeholders of SEA according to their competence. The stakeholders of SEA examine the Screening Document and within 10 working days in written form provide their conclusions to the organizer of the plan or program.

**Fig. 5.2.** The procedure of screening for Strategic Environmental Assessment



The organizer of preparation of the plan or program has the right to oppose (reject) conclusions of the stakeholders of SEA, however the refusal shall be motivated and the decision regarding the need for SEA shall be provided not only to the stakeholders, but to the general public as well (see Chapter 7 of this Manual). If it is decided that the SEA is not

needed, the organizer of preparation of the plan or program shall notify the stakeholders and the public where they can access the arguments for such decision.

### **5.3. Scoping Procedure and Preparation of SEA Scoping Document**

SEA scoping is the stage of strategic environmental assessment, which identifies the most important and significant environmental aspects, that will be in detail considered during the assessment and described in the SEA report. A number of objectives of scoping can be identified:

- identify most suitable methods which will be used to forecast and assess the environmental effects;
- identify environmental components, effects on which will be assessed;
- identify significant effects, which will be assessed;
- acquire the opinions of relevant governmental and municipal institutions and the public regarding assessment methods, environmental components and the effects to be assessed.

When implementation of a plan or program may have likely impacts on a “Natura 2000” site, the following aspects are important during the scoping stage of SEA:

- What are the affected “Natura 2000” sites and their conservation objectives (listed Annex habitat types and species, the difference between SCIs/SACs and SPAs).
- Where the conservation objectives are situated in the “Natura 2000” area?
- Definition of the affected area – e.g. are all occurrences of the certain species affected or just a part of the occurrences?
- Data gaps, what data already exist on a “Natura 2000” site (e.g. “Natura 2000” Standard Data Form) and what is missing?
- The other existing or planned activities and information requirements on these and methods, how this information is gathered?
- Necessary expertise – what kind of experts are needed? (Based on the likely affected habitat types or species) e.g. ecologists specialized on certain species groups or habitat types.
- Necessary field works and methods of these.
- Assessment methods – how effects, including cumulative effects, are assessed on certain species and habitat types based on the gathered information?

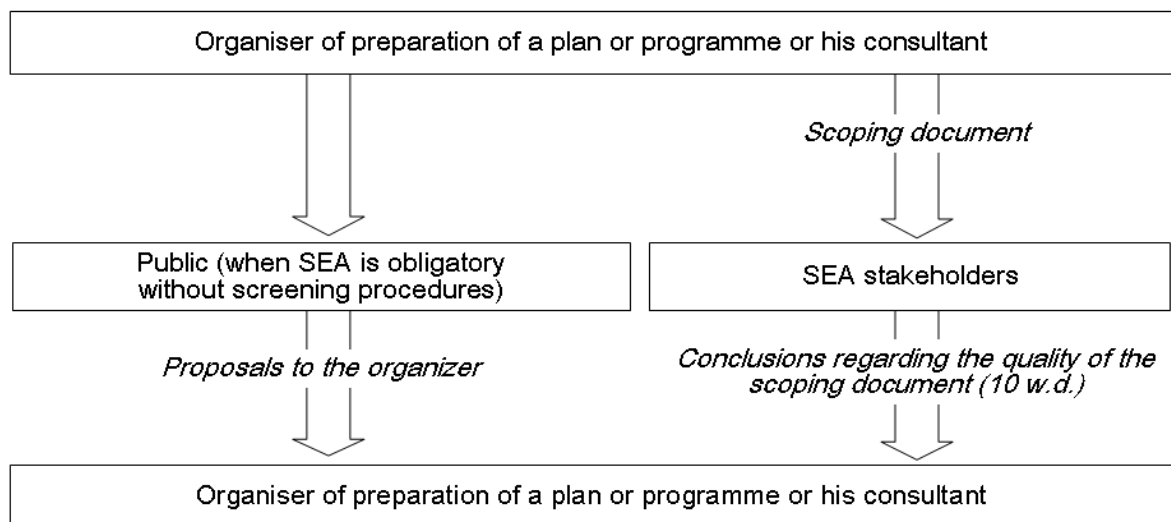
Lithuanian SEA legislation stipulates that scoping is an obligatory procedure, which is performed whenever SEA of a certain plan or program is required. As mentioned in Chapter 4, the organizer of preparation of plans and programs may select the most suitable planning stage (or stages) during which SEA (including the scoping procedure) is performed<sup>8</sup>. On the other hand, the sequence of SEA stages is strictly stipulated (overall process of SEA is presented in Fig. 5.1.) and the scoping procedures shall be performed after screening for SEA (or when SEA is obligatory without screening) but before preparation of SEA report.

SEA scoping stage consists of preparation of the scoping document and consultations with SEA stakeholders and the public (see Fig. 5.3.). Obligatory minimal contents of the scoping document are strictly regulated in the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment (Article 21, see Chapter 9).

The scoping document is prepared by the organizer of preparation of a plan or program or his consultant. In cases when SEA is obligatory without a screening procedure, also the public shall be informed about the ongoing SEA right after starting preparation of the scoping document.

The quality of the document is further ensured by consultations with relevant governmental and municipal institutions (stakeholders of the assessment). The stakeholders are obliged to examine the scoping document and within 10 working days in written form provide their conclusions regarding the quality of the document to the organizer of a plan or program or to his consultant.

**Fig. 5.3.** SEA scoping procedures



It should be noted, that the organizer of preparation of the plan or program has the right to oppose (reject) conclusions of the stakeholders of SEA, except conclusions of institution, responsible for organization of protection and management of protected territories, i.e. when implementation of a plan or program may cause significant effects on

<sup>8</sup> Territorial planning is an exception. In territorial planning scoping is performed during the stage of preparation of the concept of territorial planning documents.

established or potential “Natura 2000” territories, (alone or in combination with other plans and programs).

## **5.4. SEA Report Preparation**

### **5.4.1. Contents of SEA Report**

The SEA Report is an integral part of the plan or program documentation and the major SEA document, which contains the results of the assessment of significant effects of the implementation of the plan or program, extensive analysis of all issues defined in the scoping SEA document and other information relevant to the assessment.

It should be noted that information contained within the Report shall serve as the basis for consultations with relevant governmental and municipal institutions, and the public. Amount of information to be provided and the level of elaboration of the issues examined depend on the objectives of a plan or program, its geographical scope, contents and extent, the level of decision making and the planning level, however the obligatory contents of the Report are strictly stipulated in Annex 2 to the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment.

This chapter further contains a brief overview of information to be provided in the SEA Report.

*(1) Contents and main objectives of the plan or program and relationship with other relevant plans and programs.*

Information on the relationship with other relevant plans or programs is needed in order to assess overall (including cumulative and synergistic) effects on the environment caused by implementation of all plans and programs related to a certain area. Notably, both plans and programs drawn up for other sectors affecting the same or adjacent areas, and planning documents at other levels in a hierarchy should be analyzed.

*(2) The current state of the environment and the likely evolution thereof without implementation of the plan or program. (3) The environmental characteristics of areas which might be significantly affected. (4) Any environmental problems which are relevant to the plan or program including, in particular, those relating to any areas of a particular environmental importance.*

Requirements according to all three clauses aim at different aspects of the assessment of environmental conditions in areas covered by the plan or program. Obviously, in order to assess significant environmental effects of a plan or program, it is crucial to have information about “current state of the environment” and the likely changes of this state in case the plan or program is not implemented. This requirement can be seen as corresponding to the so-called “zero-alternative” often applied in environmental impact assessment (EIA) procedures.

It is recommended to predict changes of environmental conditions covering a similar time span as that envisaged for the implementation of the plan or program, also taking into

account the effects of other plans or programs, which are being prepared or adopted in relation to the area in question.

Information according to the requirements of Clause 3 should be related to all environmental issues listed in Clause 6, (see further in this chapter), and especially considering specific characteristics of the territory<sup>9</sup> in question, e.g. environmental sensitivity and ecological value, population density, etc.

Information, required to be provided according to Clause 4 is needed in order to assess how the existing environmental problems will be affected by implementation of the plan or program, i.e. whether it is likely to facilitate solving these problems, or merely aggravate them. It is necessary to note that the relevance may also lie in non-significant effects that in combination with existing environmental problems could create significant environmental problems (e.g. because of already high background pollution levels of air, water or soil in the territory in question).

*(5) The environmental protection objectives, established at international, European Community or national level, which are relevant to the plan or program and the way those objectives and environmental considerations have been taken into account during its preparation.*

The concept “environmental protection objectives” includes all environmental quality standards, restrictions, indicators, and any environmental objectives established and to be achieved on EU or national level. It should be noted that the Clause concerns objectives that are relevant to all environmental issues listed in Clause 6, (see further in this chapter). To collect this information and identify the objectives should be done with assistance of environmental authorities which are consulted during the process of SEA.

*(6) The likely significant primary, secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects on the environment, including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors.*

According to the Guidance on Implementation of SEA Directive, prepared by representatives of Member States and the Environment Directorate-General of the European Commission, this list of issues is not fully exhaustive and it should be considered case-by-case which additional issues may be relevant during an SEA. The notion of human health should be considered in the context of the other issues mentioned in Clause 6, for example considering such environmentally related health issues as exposure to traffic noise or air pollutants. Notably, the context of all issues and relationship between them is essential, since overall effect often is synergetic and more severe (and significant) than the isolated effects resulting from each single factor.

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<sup>9</sup> It should be noted that “territory in question” includes not only areas in which the plan or program is directly implemented, but also areas outside the territory covered by the plan or program if these areas might be significantly affected by implementation of the plan or program.

*(7) The measures envisaged to prevent, reduce and compensate significant adverse effects on the environment of implementing the plan or program.*

The requirement of Clause 7 is to ensure that the organizer of preparation of a plan or program will foresee and provide in the SEA Report information about the measures envisaged to prevent, reduce and compensate significant adverse effects foreseen according to Clause 6. Depending on the level of the plan or program, usual environmental impact assessment methods (mostly technological) of mitigation may be foreseen, however it should be noted that reshaping the strategic action objectives so that they are more environmentally sound or selecting alternative, more environmentally suitable site could be considered a mitigation measure in SEA.

*(8) A description of alternatives examined, and the reasons for selecting the alternatives of a plan or program dealt with.*

This requirement obliges the organizer of preparation of a plan or program not only to include information on the selection of alternatives in the SEA Report but also to provide reasons for selecting them in the light of environmental issues and information prepared according to Clause 6.

*(9) A description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.*

This description should include information about the SEA methodologies used, data sources, information quality and certainty. If there were certain difficulties encountered during the SEA, a description of these difficulties could be useful for overcoming them in the future.

*(10) A description of the measures envisaged concerning monitoring.*

Measures for monitoring the effects of implementation of plans and programs on the environment shall be foreseen during the SEA and integrated into the plan or program itself. According to the requirements of this Clause, a description of these measures shall be included in the SEA Report as a monitoring program, containing at least the following (see Chapter 5.2): the main environmental and sustainability objectives relevant to the plan or program; the monitoring indicators; what are the sources of information for monitoring (information about the changes of monitored indicators); duration and frequency of monitoring the changes of the indicators; when remedial actions is needed; what remedial actions are needed; who is responsible for these actions.

*(11) A non-technical summary of the information provided under the headings 1-10 of this Annex.*

A summary prepared under the requirements of this Clause should be non-technical and easily understood by the general public as well as representatives of governmental and municipal institutions. All information provided in the SEA Report should be summarized, emphasizing the key issues and the results of the assessment. The summary usually is an integrated part of the report but it might also be a separate publicly disseminated document.

#### **5.4.2. Contents of SEA Report when Plans and Programs May Significantly Affect “Natura 2000” Territories**

When SEA is being carried out for a plan or program implementation of which may have likely impacts on a “Natura 2000” site, the SEA report should contain the following information:

1. The contents and main objectives of the plan or program and relationship with other relevant plans and programs.
  - Relationship to the “Natura 2000” network.
  - “Natura 2000” sites inside or near the area where the plan or program is implemented (SCIs or SACs and SPAs).
2. The current state of the environment and the likely evolution thereof without implementation of the plan or program.
  - State of the “Natura 2000” sites and their conservation objectives (Annex habitat types and species).
  - Favorable conservation status, factors that help to maintain or achieve the favorable conservation status of a habitat type or species and their likely evolution without the plan or program.
3. The environmental characteristics of areas which might be significantly affected.
  - Description of which alternatives of the plan or program affect “Natura 2000” sites – which “Natura 2000” sites are affected in each alternative?
  - Delineation of the affected area by the plan or program.
  - The affected parts (if only a part is affected) of the “Natura 2000” site or the whole site(s) (if the whole site(s) is (are) affected) are described in detail. The detailed description is presented on the habitat type and species level and they are delineated on a map. In any case the whole “Natura 2000” site(s) is/(area) described as well. If the affected part is small and the whole “Natura 2000” site is large, the description of the whole site does not have to be as de-tailed as of the affected part.
4. Any environmental problems which are relevant to the plan or program including, in particular, those relating to any areas of a particular environmental importance.
  - In this the problems connected to “Natura 2000” sites can be emphasized further.
5. The environmental protection objectives, established at international, European Community or national level, which are relevant to the plan or program and the way those objectives and environmental considerations have been taken into account during its preparation.
  - Plan's or program's implication to the overall coherence of the EU “Natura 2000” network. Are there in the affected “Natura 2000” site(s) some habitat types or species of EU responsibility (priority habitat types or species)? Are there in the affected “Natura 2000” site(s) habitat types or species occurring only in Lithuania? Are there in the affected the “Natura 2000” site(s) habitat types or species that are underrepresented in the national or the EU “Natura 2000” network?

6. The likely significant primary, secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects on the environment, including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors.

- Description of the plan's or program's impacts on “Natura 2000” sites including also cumulative impact assessment. The impacts on “Natura 2000” sites are described on individual habitat type and species level and on the integrity of the site. If there are clearly distinctive alternatives in the plan or program, impacts on “Natura 2000” sites are described in each alternative.
- Outcome of the Natura assessment is described clearly: will the implementation of the plan or program adversely affect the integrity of the “Natura 2000” site(s)? The reasons for this outcome should be given. The outcome is described without mitigation measures.

7. The measures envisaged to prevent, reduce and compensate significant adverse effects on the environment of implementing the plan or program.

- Mitigation measures to prevent significant adverse effects on “Natura 2000” sites are presented. The outcome of the Natura Assessment is described again in the light of mitigation measures: are the mitigation measures effective enough to prevent adverse effects on the integrity of the “Natura 2000” site(s)?

8. A description of alternatives examined, and the reasons for selecting the alternatives of a plan or program dealt with.

- If the “Natura 2000” site(s) have affected the selection of alternatives, this is told.

9. A description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.

- The data used.
- Description of methods used in gathering data on the “Natura 2000” site(s), the plan or program, and other existing and planned activities.
- Description of assessment methods how impacts of the plan or program in combination with other existing and planned activities were assessed (assessment methods).
- Description of difficulties and data gaps encountered during information collection and impact assessment on “Natura 2000” sites.

10. A description of the measures envisaged concerning monitoring.

- Description of monitoring on impacts on the “Natura 2000” site(s) or sites after the plan or program is implemented including possible monitoring methods.

11. A non-technical summary of the information provided under the headings 1-10 of this Annex.

- Issues connected to the impacts on “Natura 2000” sites are a part of the non-technical summary.

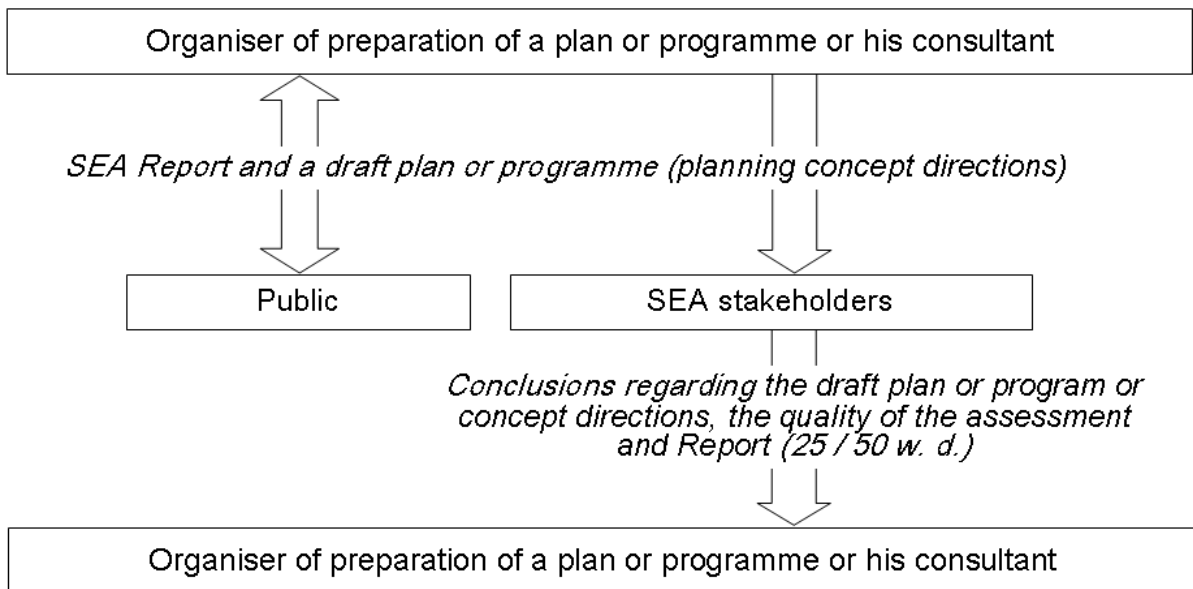
### 5.4.3. SEA Report Preparation Procedures

The stage of SEA report preparation consists of preparation of the SEA report and consultations with SEA stakeholders and the public (see Fig. 5.4.). The SEA report is prepared by the organizer of preparation of a plan or program or his consultant, in accordance with the scoping document.

After the SEA report is prepared, the organizer of preparation of a plan or program shall consult with the public in accordance with the established order<sup>10</sup> and organize public presentation of SEA report and draft plan or program to the public (in case of territorial planning – the report and solutions, prepared during the planning concept definition phase).

During the consultations, the organizer of preparation of the plan or program also is obliged to take into account the proposals of the public and to append the SEA report accordingly; however, the organizer also has the right to reject the proposals with a reasoned motivation.

**Fig. 5. 4.** SEA report preparation procedures



After public consultation procedures are completed, the organizer of preparation of a plan or program or his consultant submits the SEA report and the draft of a plan or program (in case of territorial planning – the SEA report and the planning concept directions) to the Stakeholders of the Assessment.

The Stakeholders of the Assessment are obliged to provide their conclusions regarding the draft plan or program or concept directions, the quality of the assessment and

<sup>10</sup> According to the Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union (see Chapters 7 and 9).

Report to the organizer of a plan or program or to his consultant in written form and within 25 working days<sup>11</sup> upon receiving the abovementioned documents.

The organizer of a plan or program or his consultant has to examine conclusions of stakeholders and correct or amend the SEA report and (or) the draft of a plan or program or plan concept directions or may reject them with motivation. However, when a plan or program may have significant effects on established or potential “Natura 2000” territories, (alone or in combination with other plans and programs) and institution, responsible for organization of protection and management of protected territories, provides conclusions concerning the quality of assessment and the SEA report, as well as conclusions concerning adoption or approval of the plan or program related to established or potential “Natura 2000” territories, these conclusions are binding for organizers of preparation of plans and programs shall not be rejected.

### **5.5. Decision on the Approval of Plan or Program**

As mentioned in Chapter 2, one of the main objectives of SEA is to ensure that the organizer of preparation of a plan or program before making a decision to approve and (or) ratify the plan or program will take into account information related to potential effects of implementation of a plan or program on the environment and the results of consultations with certain governmental/municipal institutions and the public. This obligation is defined in Chapter IX of the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment (see Chapter 9 of this Manual), which stipulates that the organizer of preparation of a plan or program, whilst preparing the final draft of a plan or program and before making a decision to approve and (or) ratify the plan or program or whilst presenting plan or program for ratification according to Lithuanian legislation, (in territorial planning – during selection of a preferred alternative in the concept phase) takes into account information, provided in the SEA report, the conclusions of the stakeholders of the Assessment and the proposals of the public, as well as the results of transboundary consultations (if such took place).

The Regulations also stipulate that in cases when implementation of a plan or program may have negative significant effects on the already established or potential “Natura 2000” territories, the organizer of preparation of a plan or program shall follow the conclusion of the institution responsible for protection and management of protected territories concerning possibility to adopt or approve this plan or program.

About the decision to approve and (or) ratify the plan or program the organizer of preparation of a plan or program shall inform the public (see Chapter 7), the stakeholders of the Assessment and the Member States which have participated in transboundary consultations (if such took place). Requirements for the informing procedures and contents are in detailed described in the Order of the Minister of Environment of the Republic of Lithuania of August 27, 2004, No. D1-455 on the Approval of the Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union (see Chapter 9).

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<sup>11</sup> Stakeholders of the assessment, after assessing complexness of the plan or program, have a right to extend provision of conclusions up to 50 working days, prior to that informing the organizer or his consultant.

## 5.6. Monitoring of the Effects of Plan or Program Implementation

Even if SEA is not carried out during preparation of a planning document, usually a monitoring of *objectives and measures* foreseen in the document is being performed after a plan or program is approved, i.e. after a certain period of time (or periodically) it is investigated if measures foreseen in the planning document are implemented properly.

Whilst monitoring *the effects of implementation of plans and programs on the environment*, the following issues are usually monitored:

- Were positive and negative effects (including their scope and significance) on the environment properly identified during the SEA?
- Were environmental objectives properly integrated in the plan or program during its preparation and if implementation of the planning document allows achieving environmental objectives foreseen in it?
- Are the measures envisaged to prevent, reduce and compensate significant adverse effects on the environment of implementing the plan or program sufficient?
- Has the organizer of preparation of the planning document chosen proper alternatives of the plan or program or its implementation?
- Are there unforeseen negative significant effects related to implementation of the planning document and if yes, what appropriate remedial actions are needed?
- Are negative effects, identified during SEA within allowed limits and if no, what appropriate remedial actions are needed?

Monitoring the effects of implementation of plans and programs on the environment should be designed during the SEA process and integrated in the planning document.

The type of monitoring directly depends on the type of plan or program and the chosen assessment approach (see chapter 2.1). If the chosen approach was objective led assessment, then the monitoring should be focused on the question how implementation of the plan or program is influencing the chosen environmental and sustainable development objectives.

For example, if during the SEA one of the environmental objectives was “to maintain and increase the quality of freshwater and groundwater”, then the results of monitoring should prove positive effects of implementation of certain measures of plan or program on the quality of freshwater and groundwater resources.

Depending on the type and level of the planning document, and the assessment approach, the following issues to be monitored should be considered:

- changes related to the environmental and sustainable development objectives;
- quantitative or qualitative changes of affected environmental components;
- significance and scale of the effects, identified during the SEA;

- efficacy of the measures envisaged to prevent, reduce and compensate significant adverse effects of implementing the plan or program which were foreseen during the SEA and integrated in the planning document.

It should be noted that both negative and positive effects of implementation of plans and programs on the environment should be monitored, while the effects should be analyzed taking into account their indirect, cumulative or synergistic nature. Also, the effects of other plans, programs, projects and activities which are already approved, under preparation or being implemented should be considered. It is recommended to pay attention to the effects, during the assessment of which there were encountered problems related to uncertainty or lack of quantitative data.

The types of monitoring results, expressed in quantitative, qualitative or descriptive terms, and monitoring indicators, which enable to establish a causal link between implementation of the plan or program and environmental changes should be foreseen in a monitoring program, which should be included in the SEA report (an example of partial monitoring program is provided in Table 5.2).

**Table 5.2.** An example of partial monitoring program

<b>Environmental and sustainable development objective, foreseen in the planning document</b>	<b>Monitoring indicator</b>	<b>What are the existing sources of monitoring information (about the changes of monitoring indicator)</b>	<b>When and how often monitoring information (about the changes of monitoring indicator) should be examined</b>	<b>When are appropriate remedial actions needed?</b>	<b>What are appropriate remedial actions?</b>	<b>Who is responsible for initiation of these actions?</b>
Ensure that development of agricultural activities foreseen in the planning document will not affect quality of groundwater because of pollution from non-point pollution sources	Concentrations of pesticides, nitrogen and phosphorus compounds in groundwater	Lithuanian Geological Survey	Constantly, annually	Concentrations of indicators exceed allowed concentrations by 10 percent	Amend the planning document by foreseeing additional measures for pollution prevention or restrictions in certain regions	Organizer of preparation of the planning document

When preparing a program for monitoring the effects of implementation of a certain plan or program on the environment, it should be taken into account how much the new monitoring may be integrated into the existing monitoring at national, municipal and company levels. Table 5.2 contains an example of partial monitoring program, where monitoring of one objective of a planning document is integrated into the existing State Underground Hydrosphere Monitoring System, performed at national level.

In general, the organizer of preparation of the planning document during the process of SEA, namely during the procedures of consultations with relevant state and municipal

institutions should request from these institutions to indicate what monitoring information they will be able to provide based on the monitoring program included in the SEA report.

Monitoring program also should contain the duration and frequency of monitoring actions and indicate who is responsible both for carrying out monitoring and for remedial actions (e.g. to amend the planning document by foreseeing additional or more effective measures to prevent, reduce and compensate significant adverse effects on the environment).

It should be noted, that if the planning document is significantly amended because of monitoring results and remedial actions, it may happen that new SEA or at least screening for SEA (see Chapter 5.2) may be needed.

According to the Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment, monitoring of the effects of implementation of plans and programs is performed at national, municipal and company levels according to the order defined by the Law on Environmental Monitoring, while the organizer of preparation of the planning document is responsible for remedial actions if the monitoring institution informs the organizer that there are certain negative significant effects related to implementation of specific planning document solutions.

Most natural environmental components are monitored within the State Environmental Monitoring in accordance with the State Environmental Monitoring Program, however other components, e.g. public health, cultural assets, etc. are not included in the State Environmental Monitoring system. Some of these components are monitored according to the State Public Health Monitoring Program and Cultural Assets Monitoring System, however there still are issues not included into these systems. In such cases, the organizer of preparation of the planning document during the process of SEA is obliged to allocate financial resources and arrangements for monitoring of the effects of the planning document on the environment.

## 6. SEA Methods

In project EIA, methods as detailed, comprehensive and scientific as possible are usually used. Mathematical computer modeling, sensitivity analysis and Geographical Information Systems (GIS) are all potentially useful EIA tools. But are these methods appropriate for SEA? A typical strategy or program which is being assessed might cover huge territory, lead to several types of projects and last several years. Yet a typical plan or program maker might have only between ten to one hundred working days for preparation of SEA documents and usually may be able to predict the *types* of projects that implementation of a plan or program could lead to, but not *what* projects.

Thus methods used for SEA should be applicable in situations when effects on large areas should be assessed; there is little data, little time and a lot of uncertainty. Potential SEA methods should:

- fit into the decision making timetable for the strategic actions being assessed;
- help to improve the strategic actions making them more sustainable and environmentally friendly;

- not only identify and assess the key impacts of the strategic actions but also to identify additional, more environmentally friendly actions;
- take account of cumulative and indirect effects;
- allow alternatives to be compared;
- be understandable by decision-makers and the public.

Tables 6.2 and 6.5 list a few methods, which are commonly used in SEA worldwide and fully (or at least partially) fulfill these criteria. Table 6.2 identifies key situations in which the methods could be used, while Table 6.5 summarizes the SEA stages at which the methods could be used. Each of these methods is shortly described below.

**Checklists and questionnaires** are simple and inexpensive methods, most commonly used to identify and predict impacts as well as to compare alternatives (in combination with other methods). The main principle of these methods is identification of potential effects of a plan or program by answering predefined questions, usually related to environment aspects that should be considered. An example of such checklist/questionnaire is provided in Table 6.1.

**Table 6.1.** An example of a checklist/questionnaire

*Environmental effects*

Air quality	Does the strategy/option have an effect on emissions, eutrophication, photochemical or harmful air pollutants that might affect human health, natural and anthropogenic environment?
Water quality and resources	Does the option decrease the quality or quantity of freshwater and groundwater? Does it raise or lower the quality of waters in costal or marine areas (e.g. through discharges of sewage, nutrients, oil, heavy metals or other pollutants)? Does it affect drinking water resources?
Soil quality and resources	Does the option affect the acidification, contamination or salinity of soil, and soil erosion rates? Does it lead to loss of available soil (e.g. through buildings or construction works) or increase the amount of usable soil (e.g. through land decontamination)?
The climate	Does the option affect the emission of ozone-depleting substances and greenhouse gases into the atmosphere?
Renewable and non-renewable resources	Does the option affect the use of renewable resources (freshwater, fish) more quickly than they can regenerate? Does it reduce or increase use of non-renewable resources (groundwater, minerals)?

Biodiversity, flora, fauna and landscape	<p>Does the option reduce the number of species/varieties/races in any area or increase the range of species?</p> <p>Does it affect protected or endangered species or their habitats or ecologically sensitive areas?</p> <p>Does it split the landscape into smaller areas or in other ways affect migration routes, ecological corridors or buffer zones?</p> <p>Does the option affect the scenic value of protected landscape?</p>
Land use	<p>Does the option have the effect of bringing new areas of land ('green fields') into use for the first time?</p> <p>Does it affect land designated as sensitive for ecological reasons?</p> <p>Does it lead to a change in land use (for example, the divide between rural and urban, or change in type of agriculture)?</p>
Waste production / generation / recycling	<p>Does the option affect waste production (solid, urban, agricultural industrial, mining, radioactive or toxic waste) or how waste is treated, disposed of or recycled?</p>
The likelihood or scale of environmental risks	<p>Does the option affect the likelihood or prevention of fire, explosions, breakdowns, accidents and accidental emissions?</p> <p>Does it affect the risk of unauthorized or unintentional dissemination of environmentally alien or genetically modified organisms?</p> <p>Does it increase or decrease the likelihood of natural disasters?</p>
Mobility (transport modes) and the use of energy	<p>Does the option increase or decrease consumption of energy and production of heat?</p> <p>Will it increase or decrease the demand for transport (passenger or freight) or influence its modal split?</p> <p>Does it increase or decrease vehicle emissions?</p>
Animal and plant health, food and feed safety	<p>Does the option have an impact on health of animals and plants?</p> <p>Does the option affect animal welfare (i.e.) humane treatment of animals?</p> <p>Does the option affect the safety of food and feed?</p>
The environmental consequences of enterprises' activities	<p>Does the option lead to changes in natural resources inputs required per output?</p> <p>Will it lead to production becoming more or less energy intensive?</p> <p>Does the option make environmentally unfriendly goods and services cheaper or more expensive through changes</p>

	<p>in taxation, certification, product, design, rules, procurement rules etc.?</p> <p>Does the option promote or restrict environmentally unfriendly goods and services through changes in the rules on capital investments, loans, insurance services etc.?</p> <p>Will it lead to businesses becoming more or less polluting through changes in the way in which they operate?</p>
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*Social impacts*

Employment and labor markets	<p>Does the option facilitate new job creation?</p> <p>Does it lead directly to a loss of jobs?</p> <p>Does it have specific negative consequences for particular professions, groups of workers, or self-employed persons?</p> <p>Does it affect the demand for labor?</p> <p>Does it have an impact on the functioning of the labor market?</p>
Standards and rights related to job quality	<p>Does the option impact on job quality?</p> <p>Does the option affect the access of workers or job-seekers to vocational or continuous training?</p> <p>Will it affect the demand for labor?</p> <p>Does it have an impact on the functioning of the labor market?</p>
Equality of treatment and opportunities, non-discrimination	<p>Does the option affect equal treatment and equal opportunities for all?</p> <p>Does the option affect gender equality?</p> <p>Does the option entail any different treatment of groups or individuals directly on grounds of e.g. gender, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation?</p> <p>Or could it lead to indirect discrimination?</p>
Private and family life, personal data	<p>Does the option affect the privacy of individuals or their right to move freely within the EU?</p> <p>Does it affect family life or the legal, economic or social protection of the family?</p> <p>Does the option involve the processing of personal data or the concerned individual's right to access to personal data?</p>
Public health and safety	<p>Does the option affect public health and (or) safety?</p>
Crime and national security	<p>Does the option affect crime situation or national security?</p>

*Economic impacts*

Competitiveness, trade and investment flows	<p>Does the option have an impact on the competitive position of EU firms in comparison with their non-EU rivals?</p> <p>Does it provoke cross-border investment flows (including relocation of economic activity)?</p> <p>Are the proposed actions necessary to correct undesirable outcomes of market processes in European markets?</p>
Competition in the internal EU market	<p>Does the option affect EU competition policy and the functioning of the internal market?</p> <p>For example, will it lead to a reduction in consumer choice, higher prices due to less competition, the creation of barriers for new suppliers and service providers, the facilitation of anti-competitive behavior or emergence of monopolies, market segmentation etc.</p>
Operating costs and conduct of business	<p>Will it impose additional adjustment, compliance or transaction costs on businesses?</p> <p>Does the option affect the cost or availability of essential inputs (raw materials, machinery, labor, energy)?</p> <p>Does it affect access to finance? Does it impact on the investment cycle?</p>
Administrative costs on businesses	<p>Does the option impose additional administrative requirements on business or increase administrative complexity?</p> <p>Do these costs weigh in relative terms heavily on small and medium enterprises?</p>
Property rights	<p>Are property rights affected (land, movable property, tangible/intangible assets)?</p>
Innovation and research	<p>Does the option stimulate or hinder research and development?</p> <p>Does it limit or hinder academic or industrial research?</p> <p>Does it promote greater resource efficiency??</p>
Consumers and households	<p>Does the option affect the prices consumers pay?</p> <p>Does it benefit on the consumers' ability to benefit the internal market?</p>
International relations	<p>Does the option affect international relations?</p>
Public authorities	<p>Does the option have budgetary consequences for public authorities at different levels of government, both immediately and in the long run?</p>

The macroeconomic environment	<p>What are the overall consequences of the option for economic growth and employment?</p> <p>Does it contribute to improving the conditions for investments?</p> <p>Does the option have direct or indirect inflationary consequences?</p>
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**Collective expert judgment** involves selected experts considering the relevant issue, possibly using formal approaches, such as e.g. the Delphi technique. The Delphi technique is based on acquiring consensus and consists of a number of key steps.

First of all, questionnaires and tasks for the experts are designed, information needed for experts is collected and the time line of the process is determined. The tasks are explained to the experts; the questionnaires and initial information are distributed. During a defined time period the experts shall prepare their conclusions and answers to the questions provided to them. Responses of the experts are collected and analyzed, and a compilation of the responses is prepared. If needed, additional questions can be formulated. The compilation and all responses are then sent to each expert, so they can read the other opinions and adjust their own opinions. The process is repeated with additional waves, until the experts incorporate each others' perspectives and information into their thinking and arrive at a common opinion – consensus, which is not opposed by any of the experts.

Collective expert judgment is a quick and relatively cheap method, requires no special technical equipment, and copes with partial and unquantifiable information. On the other hand, it has the potential for bias depending on the experts involved and is perceived as unscientific.

**Impact tables** show the sub-components of the strategic action or alternatives to the strategic action on one axis and environmental topics or sustainability objectives on the other axis. Each resulting cell is filled, marking the effect of each sub-component or alternative on the environmental topics or sustainability objectives with arbitrary symbols. Table 6.3 contains an example of simple partial impact table. In this example, the method is used for identification of impact mitigation measures – formulation of alternative strategic actions and correction of actions. The cells of the table are filled by noting whether the sub-component:

- has a negative effect on the environmental topic or sustainability objective (-);
- has a positive (+) or neutral effect (0);
- has an uncertain or unknown effect (?). If so, further information may need to be collected before the assessment can be completed, and the strategic action is finalized;
- has an effect that depends on how the strategic action is implemented (I). If so, it may be possible to re-write the strategic action to ensure that it is implemented positively.

If negative, uncertain or effects that depend on implementation are identified, changes to the strategic action are formulated and documented as the final row of the table. These changes can be considered as measures envisaged to prevent, reduce and compensate significant adverse effects on the environment as required by EU and Lithuanian legislation.

Obviously, instead of arbitrary symbols, other information could be used, for example quantitative data, description of the type and magnitude of the effect, etc. This method is often used for comparison of alternatives, summarization and visualization of information about the effects of plans and programs, also for discussions of experts or the public.

**Table 6.3.** Example of partial impact table

Environmental topics or sustainability objectives	Sub-components of the strategic action or alternatives			
	A	B	C	D
Conserve biological diversity	+	?	0	+
Promote health of residents	-	-	-	I
Maintain and enhance soil quality	0	+	0	+
Maintain and enhance the quality of ground and surface water	+	I	-	+
...				
Proposed changes to the strategic actions (alternatives):				

**Geographical information systems (GIS)** are a combination of computerized cartography system that stores map data and a database management system that stores attribute data. GIS methods can:

- provide a composite picture of the receiving environment, including health (sensitive areas or resources, current pressures, etc.);
- identify and present impacts of previous or current developments;
- illustrate potential impacts of future activities / implementation of plans and programs and map the impacts on a number of environmental receptors;
- identify and visualize protective / buffer zones;
- illustrate cumulative and indirect impacts.

A very useful feature of GIS is a possibility to integrate topographical data, that is very important in planning infrastructure and analyzing certain types of environmental effects, such as noise, air quality, impacts on landscape, etc. Additional information about advantages and disadvantages of GIS methods is provided in Table 6.4.



**Table 6.4.** Advantages and disadvantages of GIS for SEA

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*Advantages*

- × Possibility to draw together multidisciplinary data.
- × Provides powerful means for visualizing complex data (including 3D visualization).
- × Helps to identify constraints related to land use and protected areas.
- × Can be easily integrated into other SEA methods, e.g. impact tables or multi-criteria analysis.
- × Can identify cumulative impacts in respect to their spatial coincidence.
- × Assists with identification and evaluation of alternatives.
- × Has powerful scenario formulation potential.
- × Provides a platform for drawing together and analyzing monitoring data.

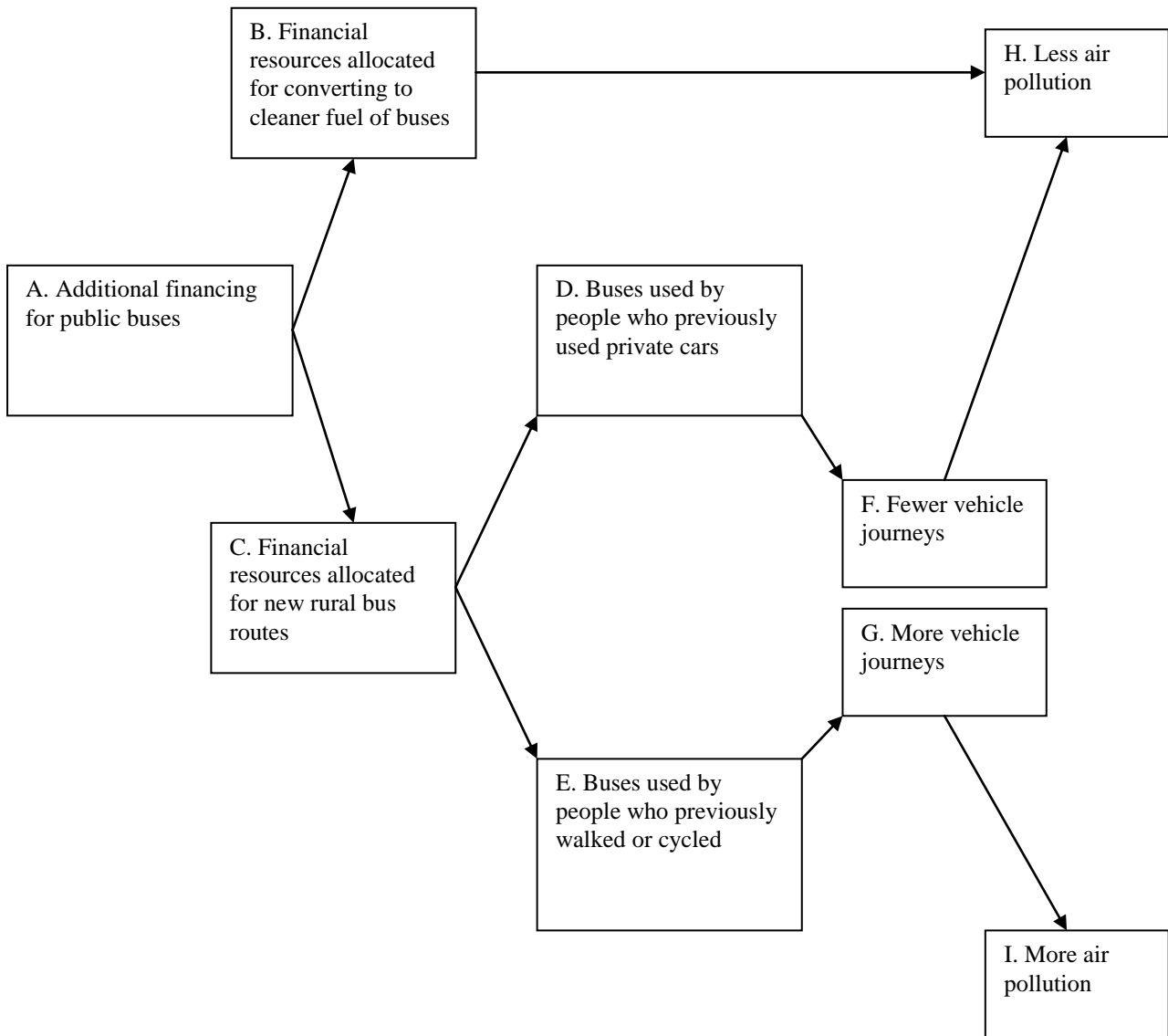
*Disadvantages*

- × Has significant cartographical and other data requirements.
  - × Building up a new useful GIS database is time consuming.
  - × Requires specialist and technical knowledge.
  - × Most map outputs create boundaries which do not capture more gradual actual boundaries between entities in reality, e.g. soil maps, land cover, etc.
  - × Has a limited ability to identify impacts interactions beyond simple spatial coincidence.
  - × GIS software and cartographical data is rather costly.
- 

**Causal effect diagrams** aim to identify the key cause-effect links between strategic actions of plans and programs and direct/indirect effects of these actions on the environment. These diagrams are prepared by combining other SEA methods, such as collective expert judgment and are one of few methods which enable to identify indirect and cumulative effects.

Direct and indirect effects of strategic actions are drawn as a network of boxes and interactions between them – as arrows, showing the links between the input (action) and outcome (effect) via different routes (see Fig. 6.1.).

**Fig. 6.1.** Example of partial causal effect diagram



Preparation of causal effects diagrams is relatively cheap and not time consuming. The main advantages of this method are possibilities to compare alternatives, usefulness for scoping and potential for transparent visualization of the effects. However, the diagrams do not deal with spatial effects or effects that vary over time and the resulting diagrams can become very complex sometimes.

**Computer (mathematical) modeling** is analytical tool, which involves prediction of future conditions with and without implementations of plans and programs, and calculating the resulting impacts. Models typically deal with quantifiable impacts, such as air pollution, water quality changes, noise, traffic, etc. Other, less often used types of model include socio-economic models, species habitat models or visual modeling (to assess impact one

landscape). Advantages and disadvantages of using computer modeling for SEA are provided in Table 6.6.

**Table 6.6.** Advantages and disadvantages of computer modeling for SEA

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*Advantages*

- × Models can be used to consider both direct and indirect, and sometimes cumulative effects.
- × Modeling results can be effectively used for visualization of the effects and to assess different alternatives.
- × Modeling is also a particularly useful tool for simulating effects over time and in space.
- × Computer modeling tools are scientifically based.
- × The results of computer modeling can be used for monitoring the effects of plans and programs.

*Disadvantages*

- × Computer models are extremely costly, time consuming and require technical knowledge.
  - × The accuracy of the model is only as good as the baseline environmental data used to construct, calibrate and run it and the assumptions made in its design.
  - × It is difficult for any model to address realistically every intricacy of the natural system.
  - × The resulting data of computer modeling can be manipulated relatively easily by changing input data.
  - × Developing a new model or amending an existing one for a certain assessment is practically impossible.
  - × Only quantifiable data can be modeled.
  - × Computer modeling demands exhaustive environmental input data.
  - × Computer modeling methods are not transparent neither from the point of view of general public nor the planning organizers.
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**Multi-criteria analysis** analyses and compares how different alternatives achieve different objectives according to several criteria, and allows selecting preferred alternatives. The method helps to manage the complexity of evaluation of alternatives by converting the evaluation to a numerical score.

The first step of applying this method is to identify assessment criteria, which reflect key consequences of proposed alternative options based on the relevant objectives or on their likely impacts. Then relative importance of criteria (weighting) is analyzed. Most multi-criteria analysis techniques enable to determine relative weights of each criteria in the decision -making. Methods of weighting vary from simple techniques (e.g. comparing criteria against each other to determine their relative weight) to complex methods (e.g. sociological surveys to determine importance of each criterion in the affected community).

The third step of the analysis is scoring the performance, determination of what constitutes the best and the worst performance in a given context is required (e.g. by direct rating through expert judgments by assigning a score to each option (e.g. 0-100 point scale)).

The fourth step is multiplying weights and scores for each of the options and derivation of their overall scores. Each option's performance on a criterion is multiplied by the weight of the respective criterion – this done for all the criteria. The sum yields the overall relative score for the given option.

If there are serious uncertainties about performance of some options against selected criteria, or if decision-makers or stakeholders argue about the relative weights of criteria, sensitivity analysis should be performed by changing the scores or weights and analyzing how changes in the scores or weight affect the results of multi-criteria analysis.

Several advantages of multi-criteria analysis should be mentioned – it takes into account different criteria at the same time, which is impossible with the usual decision-making process based on a single criterion and takes into account their significance, it may be used to bring together the view of the different stakeholders in the evaluation, and it may facilitate communication with decision maker and sometimes with the wider community.

The main disadvantage of this method is potential bias, because the results directly depend on selected criteria, their relative significance and weight. Also, reduction of rational debate about pros and cons of proposed alternative options into discussion about abstract numbers (scores and weights) can give misleading sense of scientific rigorousness of the method, however, the results may be manipulated by those who master MCA (i.e. simple sensitivity analyses that are normally performed within MCA show criteria that best influence outcomes and this knowledge can be used to produce different overall scores).

## 7. Public Participation

As noted in Chapter 2 of this Manual, consulting with the public and taking the results of these consultations into account are one of major objectives of SEA. Effective participation of general public may facilitate preparation of higher quality plans and programs by foreseeing and solving potential conflicts of interest in the earliest possible planning stage, improving transparency of planning and decision making, and ensuring that the public will not oppose implementation of plans and programs while the strategic actions will conform to the public interest.

Lithuanian SEA legislation requires obligatory participation of the public<sup>12</sup> in the process of strategic environmental assessment of any type of plans and programs, however the procedures of public participation differ in case of the assessment of effects of *territorial planning documents* and assessment of the effects of *all other plans and programs*.

General legal provisions of public participation in the SEA process are provided in Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment. They define the rights and functions of the public as one of the participants of SEA process and designate the public participation stages within the process of SEA.

Assessing the effects of territorial planning documents, the public participates in the assessment process according to the requirements provided in the Law on Territorial Planning of the Republic of Lithuania, and Regulations on Public Participation in the Process of Territorial Planning, while the procedures of public participation in the

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<sup>12</sup> The public is defined as one or more natural or legal persons and their associations, organizations or groups.

assessment of the effects of all other planning documents are defined in Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union.

### **7.1. Public Participation in the Process of Assessment of the Effects of Territorial Planning Documents**

Regulations on Public Participation in the Process of Territorial Planning stipulate the procedures ensuring publicity of territorial planning and at the same time foresee public participation in the process of strategic Environmental Assessment of territorial planning documents. General provisions of these Regulations give the public the right to submit proposals regarding the planning document during the whole process of preparation of territorial planning documents, while the planning organizer is obliged to perform the procedures ensuring publicity of territorial planning, to announce in the mass media about the procedures of consultation and public hearings, to register received proposals, analyze, evaluate, discuss and to accept or reject them, to respond in written form to the persons who had submitted the proposals (if proposals were rejected – to indicate the arguments for rejection), and after the publicity procedures are completed – to prepare the conclusion findings, which are provided to the institutions, approving territorial planning documents and the state territorial planning supervision institution together with draft planning document.

Specific procedures ensuring publicity of territorial planning and the means of informing the public depend on the level of the territorial planning document under preparation, however in every case the planning organizer shall inform the public if in accordance with the Governmental Decision the Strategic Environmental Assessment will be carried out, to present the SEA Report and territorial planning document's solutions, and about the approval of the territorial planning document.

### **7.2. Public Participation in the Process of Assessment of the Effects of Other Plans and Programs**

Regulations of Public Participation in the Procedures of the Strategic Assessment of the Effects of Plans and Programs on the Environment and Informing the Assessment Stakeholders and Member States of the European Union stipulate three types (stages) of public participation in the SEA process:

1. Announcement about the SEA of a plan or program;
2. Presentation of SEA Report and draft plan or program to the public.
3. Informing about decision regarding approval of the plan or program.

During the first stage, the organizer of preparation of a plan or program is obliged to inform the public about the screening results or about the beginning of the SEA process. In cases when the screening procedure is performed, the organizer shall inform the public within 10 working days after preparation of the screening document and making a decision

concerning obligation to carry out SEA; in cases when SEA is obligatory without a screening procedure – after starting preparation of SEA scoping document. In both cases the public is informed by announcing information specified in the Regulations in the press of town(s) or district(s) on which territories plan or program are prepared, in the Internet page of the organizer of preparation of a plan or program, and when plans and programs are prepared on national level – in the regional and national press. The announcement, *inter alia*, shall contain information to whom, when (it is recommended to allocate a time period of 20 working days), where and how the general public may submit the proposals regarding specific SEA. The organizer of preparation of a plan or program shall examine and assess all proposals received from the public and make a decision to accept or reject these proposals.

During the second stage, the organizer of preparation of a plan or program shall organize a public presentation of the SEA report and the draft plan or program. About the forthcoming presentation the public shall be informed at least 20 working days in advance, by announcing in the above mentioned media information specified in the Regulations, providing information about, *inter alia*, information to whom, until when<sup>13</sup>, where and how the general public may submit the proposals regarding specific SEA. During the presentation, the organizer of preparation of the plan or program is obliged to describe the objectives of the plan or program and to present the draft plan or program and SEA Report, to answer the questions from the public and inform how public proposals submitted in writing before the public presentation were taken into account. The organizer of preparation of the plan or program also is obliged to take into account the proposals of the public and to append the SEA report accordingly; however, the organizer also has the right to reject the proposals with a reasoned motivation. After the public presentation, the organizer of preparation of the plan or program according to defined format has to prepare documents of consultations with the public: reference of received public proposals, minutes of the public presentation, list of participants, and information about all above mentioned announcements in the public information media. These documents together with the SEA Report later in the SEA process are submitted to the stakeholders of SEA.

During the third stage, the organizer of preparation of a plan or program is obliged to inform the public about the decision on the approval of the plan or program, by announcing in the above mentioned media information specified in the Regulations, and, *inter alia*, informing when in the institution of the organizer of preparation of the plan or program the public can get acquainted in detail with the plan or program as approved and with the results of the SEA.

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<sup>13</sup> Proposals regarding specific SEA may be submitted during the public presentation as well, however it should be noted that the proposals are not accepted after the presentation procedures are over.

## **8. Frequently Asked Questions**

### **1. What is Strategic Assessment of the Effects of Plans and Programs on the Environment?**

Strategic Assessment of the Effects of Plans and Programs on the Environment (hereinafter referred to as “Strategic Environmental Assessment” or “SEA”) is the process of identification, characterization and assessment of potential implementation effects of certain plans and programs on the environment. During this process, potential effects of implementation of plans or programs are identified and assessed, strategic assessment documents (strategic environmental assessment scoping documents, strategic environmental assessment reports and in some cases - documents of the screening for the strategic environmental assessment) are prepared, consultations with the stakeholders of strategic environmental assessment and the public are carried out and results of the assessment and consultations are taken into consideration before adoption and (or) ratification of plan and program, information related to adoption and (or) ratification of the plan and program is provided.

### **2. Which plans and programs are subject to Strategic Environmental Assessment?**

The Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment, approved on August 18, 2004, by Decision No. 967 of the Government of Lithuania stipulates that the assessment shall be carried out for:

1. Plans and programs which are prepared for industry, energy, transport, telecommunications, tourism, agriculture, forestry, fishery, water management, waste management, territorial planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to the Law on Environmental Impact Assessment of the Proposed Economic Activity of the Republic of Lithuania (Žin., 1996, Nr. 82-1965; 2000, Nr. 39-1092);

2. Comprehensive territorial planning documents of national, regional and district levels and major changes of these documents;

3. Plans and programs, implementation of which is related to established or potential „Natura 2000” territories or to the environment within a vicinity of such territories, and institution responsible for organization of protection and management of such territories determines that pursuant to the provisions of Directive 92/43/EEC, implementation of such plan or program (separately or in combination with other plans and programs) might have significant effects on established or potential „Natura 2000” territories.

4. Plans and programs for which a decision regarding obligatory assessment is made during the screening procedure.

It should be noted that Strategic Environmental Assessment legislation of is not applied (and hence SEA procedures are not carried out) for preparation and approval of:

1. Plans and programs the sole purpose of which is to serve national defense or manage civil emergency situations;

2. Plans and programs the sole purpose of which is to plan finances and (or) budget;

3. Territorial detailed plans, which are prepared, approved and adopted according to a simplified order, as stated in The Law on Territorial Planning (Žin., 1995, Nr. 107-2391;

2004, Nr. 21-617), and Rules on Preparation of Detailed Plans, approved by the Ministry of Environment (Žin., 2004, Nr. 79-2809);

4. Territorial planning documents, the solutions of which allow development of a single object of economic activity;

5. Plans and programs, the purpose of which is to solve nature management issues, and which does not set framework for economic activity projects to be approved by environmental authorities;

6. Plans and programs co-financed under certain European Council Regulations<sup>14</sup>.

All four cases when Strategic Environmental Assessment is obligatory and exceptions of application of SEA legislation are further described in chapter 4.4.

### **3. Who bears the costs of Strategic Environmental Assessment?**

Both organizing SEA procedures (including public participation) and preparation of SEA documents are financed by the organizers of preparation of plans and program.

### **4. Who has the right to prepare documents of Strategic Environmental Assessment? Is some kind of a special license or certificate required?**

The Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment, approved on August 18, 2004, by Decision No. 967 of the Government of Lithuania stipulate that both organizers of preparation of plans and programs and natural or legal bodies contracted by the organizers (in the Regulations referred to as “consultants”) are allowed to carry out SEA and prepare the SEA documents.

Lithuanian legislation does not contain any requirements for any special certificates or licenses for natural or legal bodies preparing SEA documents, however, organizers of preparation of plans and programs should be concerned that contracted consultants have education and qualification relevant to the SEA documents or chapters of these documents which are being prepared.

It should be noted, that Lithuanian Ministry of Environment is preparing a list of potential preparers of SEA documents, which will be freely available on the Internet page of the Ministry – [www.am.lt](http://www.am.lt). This list will be based on voluntary information provided by the natural or legal bodies interested in and capable of preparing SEA documents.

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<sup>14</sup> These Regulations are listed in The Regulations of Strategic Assessment of the Effects of Plans and Programs on the Environment, approved on August 18, 2004, by Decision No. 967 of the Government of Lithuania.

## 5. How much time do the SEA procedures take?

Procedure	Duration <sup>15</sup> (in working days)
Screening for the strategic assessment of the effects of plans and programs on the environment (duration since the day the Stakeholders of the Assessment receive the Screening document)	<b>10</b>
Scoping procedure (examination of the scoping document by the Stakeholders of the Assessment; duration since the day the Stakeholders of the Assessment receive the Scoping document)	<b>10</b>
Examination of the SEA Report and draft plan or program (in case of territorial planning – Report and planning concept directions) by the Stakeholders of the Assessment (duration since the day the Stakeholders of the Assessment receive the mentioned documents)	<b>25</b> (Stakeholders of the Assessment, after assessing complexity of the plan or program, have a right to extend provision of conclusions up to <b>50</b> working days)
Informing the public about the Screening decision (in cases when SEA is obligatory without a screening procedure – when preparation of the Scoping document has been started)	It is obligatory to inform the public in <b>10</b> working days, however this does not affect the duration of the SEA process
Informing the public about the SEA Report and draft plan or program (and public presentation)	At least <b>20</b> working days before the public presentation

## 6. How much time does the whole process of SEA take?

Two cases can be identified:

1. in cases when Screening for the strategic assessment of the effects of plans and programs on the environment is obligatory, the whole process of SEA may take up to **65** working days, or up to **90** working days if the Stakeholders of the Assessment, because of the complexity of the plan or program extend the duration of provision of their conclusions;
2. in cases when there is no obligation to perform the Screening for the SEA, the whole process may take up to **55** working days, or up to **80** working

<sup>15</sup> The table provides maximum duration of the procedures as regulated by legislation, i.e. in practice the procedures usually take less time.

days if the Stakeholders of the Assessment, because of the complexity of the plan or program extend the duration of provision of their conclusions.

### **7. Where can the public get acquainted with the SEA Report?**

SEA legislation obliges organizers of preparation of plans and programs to consult the public in accordance with the established order and publicly present the SEA report and draft plan or program (in cases of territorial planning – the SEA report and the solutions of the draft plan prepared during the concept planning stage).

The public may get acquainted with the mentioned documents in the premises of the organizers of preparation of plans and programs or in another place, chosen by the organizers of preparation of plans and programs (information about the chosen place shall be provided in the public announcement at least 20 days before the public presentation).

### **8. Is it possible to get copies of SEA documents?**

Availability of the copies of SEA documents as well as other public documents is regulated by the Law on the Rights to Receive Information from State and Municipal Institutions of the Republic of Lithuania. In accordance with this Law and the Governmental Order on Reimbursing the Costs of Preparation of the Copies of Documents, the declarant may receive a copy of a document after filling up a relevant form and covering the copying costs.

## **9. National SEA Legislation**