

Enhancing the Effectiveness of Irish Practice on SEA Alternatives

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Abstract

Alternatives are at the heart of Strategic Environmental Assessment (SEA) as they provide opportunities to identify policy objectives and development scenarios that entail minimal significant environmental impacts. They provide ways for accommodating future development needs of an area or sector within the constraints imposed by intrinsic environmental conditions. Despite the requirements set out in Article 5 of the European SEA Directive (EC, 2001), research repeatedly reports failure to consider genuine reasonable alternatives. Current Irish and international practice often exhibit late definition and narrow scope of alternatives, as well as poor documentation for the choice of preferred alternatives. This has resulted in objections and judicial reviews as reported in European case law.

Therefore, the Irish Environmental Protection Agency has funded the preparation of a SEA alternatives manual. This aims to provide good practice practical guidance on the identification and development of alternatives, their assessment and comparison, selection of the preferred option, and documentation of the process and the reasons for selection. The manual provides step-by-step recommendations to facilitate this SEA stage, including mechanism for framing the development of alternatives (on the basis of need, mode location and timing), and specific advice on potential approaches to their development and assessment (e.g. value-oriented versus effects-oriented). It also includes a checklist and detailed international good practice examples. The manual development has been supported by a variety of research approaches. This paper presents the key findings of an international review on SEA alternatives, as well as the resulting key recommendations which are transferable to other jurisdictions.

1. Introduction

Consideration of alternatives is a requirement under Article 5 of the EU Strategic Environmental Assessment (SEA) Directive (EC, 2001). Realistic and reasonable alternatives play a central role in the SEA process by providing an opportunity to identify reasonable ways of delivering a plan/programme's objectives. This is commonly achieved by accommodating the future development needs of an area or sector within the context of the intrinsic environmental conditions. Yet, alternatives remain a challenge, with diverse interpretations and approaches across jurisdictions and sectors, and are arguably one of the most poorly completed aspects of SEA as illustrated by a number of current practice reviews (e.g. EPA, 2012; SEPA, 2011; EC, 2009).

In order to address current practice issues affecting the meaningful consideration of realistic and reasonable alternatives in SEA, the Irish Environmental Protection Agency funded the preparation of a Practitioner's Manual on 'Developing and Assessing Alternatives in Strategic Environmental Assessment - Good Practice Guidance'. The project has undertaken a review of: a) legislative requirements under European and, in particular, Irish law and regulations; b) available good practice guidance in EU Member States; and c) over thirty SEA environmental reports prepared for sectoral plans and programmes in the Republic of Ireland. The project team also engaged in international online consultation with IAIA members (through the IAIA Newsletter), and interviewed selected Irish stakeholders (selected on the basis of their SEA expertise).

This paper presents a summary of the key research findings. It highlights identified shortcomings in current practice and puts forward a set of recommendations towards good practice.

2. Current Practice on SEA Alternatives

The preparation of the Manual included a review of over 30 Environmental Reports prepared to date in Ireland as well as European SEA effectiveness reviews and guidance, together with an online international survey and interviews with national practitioners, academics and stakeholders. Research and consultation revealed common critical shortcomings. These include: higher tier plans/programmes constraining and shaping the development of alternatives, particularly in land use planning; preferred actions being identified in advance of SEA and thereby leading to identified alternatives being purposefully unrealistic or retrofitted; minimal stakeholder and public involvement in the definition, assessment and selection of alternatives; and poor recording and reporting of the 'storyline' on how they were identified, what the potential impacts are and why the preferred alternative was selected.

To date, there have been no legal challenges to plans or programmes in Ireland based on SEA requirements being inadequately fulfilled, but several SEA-related legal challenges have been successful in the UK. These include two plans in Northern Ireland where the judge deduced non-compliance with the SEA Directive requirements as a result of the environmental reports (ERs) not providing an outline of the reasons for selecting the preferred alternatives (NIQB 62, 2007). Similarly, four plans and programmes have been legally challenged in England, each with discrete failures to comply with SEA requirements which related to the need to: a) assess potential impacts of new alternatives brought in late in the planning process; b) assess all considered alternatives in equal detail; c) provide reasons for rejecting any alternatives and ensuring that those reasons are still valid if there has been any change in the proposals in the draft plan or any other material change of circumstances; and d) provide reasons for the selection of reasonable alternative(s) (EWHC 1280, 2009; EWHC 606, 2011; EWHC 344, 2012; EWHC 481, 2013).

On the positive side, a number of European reviews and guidance present lessons and improvements that can be applied to Irish, and indeed other EU Member States', practice. The European SEA Review highlight the importance of the 'do-nothing' alternative, and the need to tailor the types and number of alternatives assessed to the scope of the plan, the geographical area, and the area's socio-economic needs (EC, 2009). The Austrian SEA handbook recommends a two-stage process of assessing and comparing alternatives, where the first stage looks at comparing alternatives against the 'do-nothing', and the second stage focuses on assessing and comparing them in terms of their environmental impacts, taking into account identified mitigation measures (OAS, 2009). Portuguese SEA guidance makes a case for maintaining long-term planning visions and developing a small number of realistic options, through participatory approaches, to help focus the SEA (Partidário, 2012). Several UK reviews and guidance - including the English and Scottish SEA reviews (CLG, 2009; SEPA, 2011), and guidance from the UK government on SEA, and the Planning Advisory Service on alternatives (ODPM, 2005; PAS, 2008) - highlight the needs for early consideration of alternatives, stakeholder involvement in their identification, and assurance that they contribute to the plan/programme's objectives and are genuinely implementable in practice.

3. Improving Current Practice: SEA Alternatives Practitioner's Manual

Taking into account current limitations in Irish (and European) practice on SEA alternatives, and extracting key good practice recommendations from available guidance that are transferable to the Irish planning system, an SEA alternatives framework was proposed in the Irish SEA Alternatives Practitioner's Manual. The framework divides the SEA alternatives stage into: 1) alternatives identification and development; 2) alternatives assessment and comparison; and 3) alternatives selection and documentation (Figure 1).



Figure 1. SEA alternative sub-stages.

The framework is supported by step-by-step recommendations and a toolkit to guide the framing and development of alternatives and their assessment. The following is an extract of some of the **key recommendations** included in the Manual:

Identification and Development of Alternatives

- Develop alternatives early in the assessment process, and at 'key decision windows' (e.g. when drafting a sectoral plan or when initiating a land use plan review). Ideally, alternatives should be incorporated in the SEA scoping report.
- Alternatives should be realistic (i.e. capable of achieving the plan/programme objectives), reasonable (i.e. take account of the environmental and socio-economic baseline and trends, as well as legal requirements including those of the Habitats Directive - EC, 1992), viable (i.e. technically possible and financially feasible) and implementable (i.e. capable of being put into action or operation within the plan/programme period with the available resources).
- Use a structured and transparent approach for alternative development. They can be framed around their need, mode location and timing or around themes (e.g. strategic, value-oriented, effects-oriented, sectoral, spatial, modal or temporal).
- Include a 'do-nothing' alternative for sectoral plans/programmes, to assess the future baseline without implementation of the plan/programme, and to test whether the plan/programme is needed at all (except for Irish land use plans where periodic statutory review is mandatory)¹.
- There should be a sensible number of alternatives. It is recommended that a minimum of 3-4 are identified for each relevant plan/programme issues, including the 'do-nothing' option (where applicable).
- Provide sufficient detail when defining the alternatives to allow them to be meaningfully assessed. Map alternatives where possible, particularly in the context of land use planning, to facilitate their geographic interpretation and spatial assessment.

Assessment and Comparison of Alternatives

- Ensure that all the relevant baseline data (and future predictive data where they are modelled and available) are gathered to support the assessment of alternatives. Identify and report any data gaps and limitations that may affect the full assessment of alternatives.
- Use a two-stage approach to assess the alternatives. In the first stage, undertake a general comparison of all alternatives considered. This should include comparison against the 'do-nothing' scenario and should take account of legal thresholds, decisions already made within the plan area (e.g. permitted projects), and Habitats Directive requirements. This first environmental assessment stage should be used as a funnelling process to select a limited number of options for detailed examination. The second stage entails a more detailed comparative analysis of a few selected alternatives, at which point any mitigation measures developed should be taken into account.

¹ This recommendation cuts across official guidance on SEA for Irish land-use plans where the 'do-nothing' scenario is considered not to be an option since periodic statutory review of the plans is mandatory (DEHLG, 2004).

- Ensure comparability of assessment of all the alternatives considered; each alternative should be assessed to roughly the same level of detail as the emerging preferred alternative.
- Where plans are developed in an iterative way, do not re-assess previously assessed alternatives, unless circumstances change substantially (e.g. new ecological areas have been designated). However, do catalogue/list those previous alternatives, and assess any new alternatives developed at later stages in the SEA process, as well as any significant alterations to the initially considered alternatives.

Selection and Documentation of Alternatives

- Focus on alternatives that provide environmental benefits rather than solely complying with statutory requirements (even if this is politically difficult or objectionable). The selected alternative should be socially, economically, technically and, above all, environmentally viable. Alternatives that are not immediately implementable are still worth considering for future action.
- Include the proposed alternatives in the Scoping Report sent to statutory consultees for comment, incorporating the scope and level of detail of the environmental assessment.
- The Environmental Report should 'tell the story' of how alternatives were considered in the SEA. It should include a clear, focused and concise account of:
 - a) How the alternatives were developed and any constraints to generating them;
 - b) Why they were proposed, including (where appropriate) discussion of why any 'ghost alternatives' were eliminated early on as being unreasonable, with a concise and short explanation of why they are not being taken further;
 - c) What the proposed alternatives entail;
 - d) How they were assessed (e.g. using quantitative indicators, predictive modeling, qualitative knowledge, etc.);
 - e) The assessment outcomes (i.e. the potential impacts of the preferred alternative and other reasonable alternatives considered);
 - f) What the preferred alternative(s) are and why it/they were selected; and
 - g) Any data gaps and limitations affecting the development and assessment of alternatives.

Good practice case studies complement these recommendations (Table 1). Given that differing European planning systems and plan/programme-making traditions shape the way SEA is undertaken in each Member State, the selected good practice examples derive from Irish and UK practice as there are similarities between these systems. These case studies are advocated as discretionary exemplars of good practice in one or several components of the SEA alternatives process (e.g. identification, assessment or selection). It is stressed that their selection does not imply that the associated plans/programmes or the full SEA process and environmental report represent overall good practice.

Plan/Programme	Good Practice Highlight
Identification and Development of Alternatives	
Kildare Town Local Area Plan 2012-2018, Republic of Ireland (RoI)	Clear explanation of what 'reasonable' and 'not reasonable' alternatives are with a mapped representation.
Leicester Local Development Framework (UK)	The SEA included alternatives proposed by the public during consultation; some of these were included in the final plan.
South Dublin County Development Plan 2010-2016 (RoI)	Alternatives formulation involved cross-departmental consultation within the County Council and with the EPA, supported by evidence-based overlay mapping.
Regional Planning Guidelines for the Greater Dublin Area 2010-2022 (RoI)	Use of scenario modelling to spatially simulate alternatives and project the impact (using indicators) of alternative selection.
Assessment and Comparison of Alternatives	
Draft Offshore Renewable Energy Development Plan (OREDPP) 2010-2030	Assessment of alternative development scenarios, including their cumulative effects, well linked to the baseline.

(RoI)	
Draft Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary 2013-2020 (RoI)	Detailed assessment of potentially suitable development sites well linked to the baseline, and clear reporting on how SEA findings have influenced the SIFP.
Greater Dublin Area Transport Strategy 2011-2030 (RoI)	A preliminary environmental assessment fed into detailed proposals for alternatives, and the results were published in the Draft Potential Measures Strategy Report.
Ulster Canal (Upper Lough Erne to Clones) Restoration Plan (RoI)	Assessment of alternatives against detailed criteria checklists, clearly factoring in the range of effects.
Kilkenny County Development Plan 2008-2014 (RoI)	Spatial assessment of multiple environmental criteria against the mapped alternatives, and quantification of potential land use conflicts.
Selection and Documentation of Alternatives	
Draft Planning Scheme for North Lotts/Grand Canal Dock Strategic Development Zone (SDZ) (RoI)	Tiered approach to alternative selection.
Galway County Development Plan 2009-2015 (RoI)	Clear explanation of the choice of preferred option.
Shepway Core Strategy (UK)	Clear documentation of how alternatives were identified, and reasons for choosing the preferred alternatives.

Table 1. Good practice case studies from the Republic of Ireland (RoI) and the United Kingdom (UK) incorporated in the SEA Alternatives Practitioner's Manual.

4. Conclusion

The SEA Alternatives Practitioner's Manual is aimed to enhance existing approaches to identifying robust and reasonable alternatives. It promotes the systematic assessment and comparison of the identified alternatives to a similar level of detail and it presents tools and techniques to practitioners to facilitate the task. Moreover, it supports clear reporting of the process and its outcomes. The improvements or effects that this guidance may have in Irish SEA practice will be evidenced over time.

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