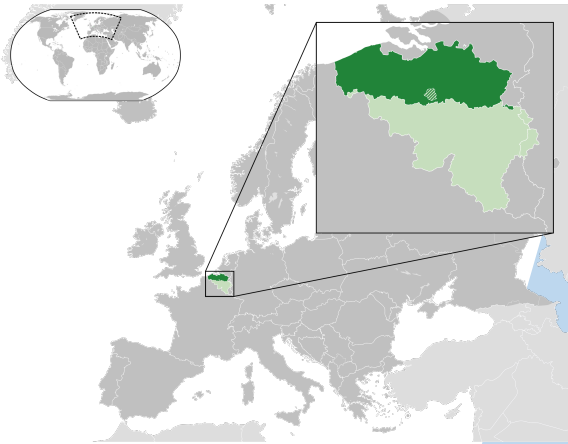




**Flanders**  
State of the Art



# Extensive integration of SEA in spatial planning

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# Spatial planning in Flanders: context

**Spatial planning proces at three governmental levels: region, province and municipality**

**spatial 'structure' plan** (= spatial policy plan): no SEA

↳ **spatial zoning plan** (= land-use plan): SEA  
(screening) required



↳ **building permit**: project EIA (screening)  
required

# SEA and land-use planning: experience...

- ◆ EU SEA directive 2001/42/EC
- ◆ SEA for land-use planning started in 2002
- ◆ SEA is mainly used for land-use planning in Flanders

# Reasons for changing the methodology and legislation on planning and SEA?

- ◆ SEA and land-use planning are separate processes
- ◆ SEA is officially 'closed' -> land-use planning continuous process until final plan adopted
- ◆ public participation for SEA <-> land-use plan at different stages
- ◆ overloaded SEA reports, unfeasible alternatives and mitigation measures
- ◆ Tiering

# Reasons for changing the methodology and legislation on planning and SEA?

Issue of translating SEA mitigation measures into land-use plan

- land-use plan: predominantly urban zoning regulations
- SEA: spatial environmental conditions
- legally binding agreements and contracts between parties

→ new instruments necessary

# -> problems...

- ◆ Separate procedures, SEA and land-use plan
- ◆ Land-use process => question about the SEA => more than one SEA procedure for one spatial plan
- ◆ a lot of court cases with annulment of a land-use plan because the SEA is not correctly translated in the plan
- ◆ Large SEA's: too much obsolete information



# Finding solutions...



- ◆ Evaluation of the application in 3 years of SEA 's and land use planning (2009-2012): reasons for appeals and court processes ? What goes wrong?
- ◆ Experience from abroad: Study on international experience (ARCADIS 2009), outcome:
  - Need for 'real' integration of the SEA and planning process
  - Need for early participation: stress on capacity/support building = process
  - 'right' degree of formalism in legislation

# -> integrated process, legislation reflecting new approach

- ◆ Discussion at governmental level started in 2012
- ◆ Parliament decision in 2016
- ◆ Implementation beginning of 2017



# Characteristics of the integrated SEA-planning process

## **PARTICIPATION = PROCESS and OPEN**

- ◆ Participation = continuous but two formal moments
- ◆ early participation from the start
- ◆ Participation for the planning process includes participation for SEA
- ◆ No definition of stakeholders: case by case approach
- ◆ new, innovative and modern participation 'methods'
- ◆ Important role of the stakeholders (public and advisory bodies)
- ◆ Make it transparent and open

# Characteristics of the integrated SEA-planning process

## INTEGRATION:

- ◆ Integration means iterative processes: SEA and planning and participation
- ◆ multidisciplinary planning team: planners, sectorial experts and EIA experts + EIA unit
- ◆ Integration starts from the beginning of the process: kick-off document evolving to a scoping document
- ◆ Continuous quality control of SEA
- ◆ SEA and land-use plan are 'drafts' until final

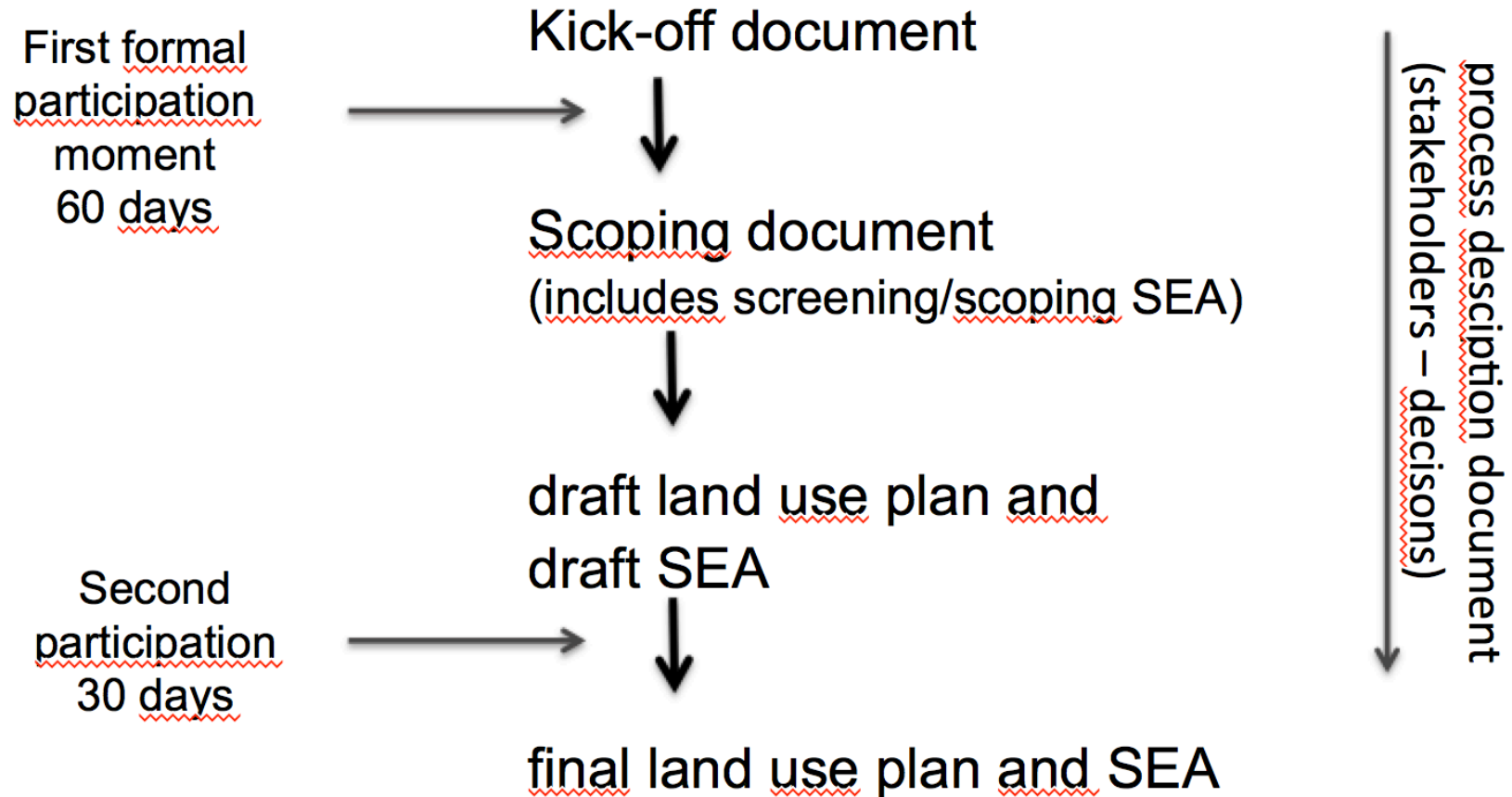
# Characteristics of the integrated SEA-planning process

## REDUCTION OF FORMAL REQUIREMENTS:

- ◆ Only formal procedural requirements that are deemed necessary
  - limit the risk for procedural mistakes
  - flexibility and tailor-made

# The integrated SEA – planning proces

## Integrated planning process (land-use plan and SEA)



# Extra instruments to formalize environmental measures linked to the land-use plan

- ◆ no 'increase' of the legal components of the land-use plan but separate and formally linked instruments
- ◆ New instruments: 'new' spatial ordinance to regulate environmental issues
- ◆ New instruments: contracts/agreements between public authorities or between a public authority and a private legal person

# Changing attitude: a bumpy road...



- ◆ Different sectors use a different language => explain to each other the meaning of certain concepts
- ◆ from sectorial approach to team-work
- ◆ a new rol for the EIA unit (regional level): from controlling to co-operating and expertise and knowlegde centre
- ◆ Provinces and municipalities work in co-operation with the regional level e.g. EIA unit