Extensive integration of SEA in spatial planning

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Spatial planning in Flanders: context

Spatial planning processes 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: predominately **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 process

Integrated planning process (land-use plan and SEA)

First formal participation moment
60 days

Second participation
30 days

Kick-off document

Scoping document
(includes screening/scoping SEA)

draft land use plan and
draft SEA

final land use plan and SEA

process description document
(stakeholders – decisions)
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 role for the EIA unit (regional level): from controlling to co-operating and expertise and knowledge centre
- Provinces and municipalities work in co-operation with the regional level e.g. EIA unit