

Strategic EIA

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The principles and the role of carrying out a strategic environmental assessment

The rules of strategic environmental assessment are described in Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment (EIA Act).

The strategic environmental assessment is a procedure which is used for specified types of documents developed or accepted by the administration bodies or other subjects of public functions. The above-mentioned documents include:

1. The concepts of national spatial development, conditions and directions of spatial development of gminas, regional spatial development plans and regional development strategies,
2. Policies, strategies, plans or programmes in the field of industry, energy, transport, telecommunication, water management, waste management, forestry, fisheries, agriculture, tourism and land use, setting the framework for later implementation of projects having a significant environmental impact,
3. Remaining policies, strategies, plans and programmes, if their implementation may cause significant environmental impact on a Natura 2000 site and if they are not immediately connected with the protection of Natura 2000 sites or do not result from the said protection,
4. Documents other than those listed above, if they set framework for later implementation of projects which may have significant environmental impact, or when the implementation of their provisions may cause significant environmental impact.

Carrying out a strategic environmental assessment is also required for changes to the above-mentioned already adopted documents.

In special cases described in Art. 48 of the EIA Act, it is possible to withdraw from conducting strategic environmental assessment. The authority which prepares the draft document should make the information about the withdrawal from the strategic environmental assessment public without delay.

The first stage of the strategic environmental assessment is to obtain approvals of competent authorities for the scope and level of detail of the information required in the environmental impact prognosis.

Competence of authorities depends on the type of document. The authority which prepares the draft document makes arrangements accordingly with:

- General Director for Environmental Protection,
- Regional Director for Environmental Protection,
- Chief Sanitary Inspectorate,
- National voivodeship sanitary inspectorate,
- National poviats sanitary inspectorate,
- Director of the maritime office.

The prognosis may be described as the equivalent of environmental impact report, which is prepared in the course of the procedure of the environmental impact assessment. The scope of the prognosis is regulated in detail by the Act, and it must include the following elements:

- analysis of the document draft,
- analysis and assessment of the existing state of environment,
- characteristics of the environmental impact,
- the possibility of transboundary impact,
- presentation of solutions preventing, limiting and compensating the actions having a negative impact on the environment,
- presentation of alternative solutions,
- methods used in preparing of the prognosis,
- methods of analysis of implementing the document,
- summary in non-specialist language.

Another element of the SEA is issuing opinion on the presented document along with the prognosis of the environmental impact. The opinion is prepared by the same authorities which took part in agreeing on the scope and level of detail of information required in the environmental impact prognosis.

There are particular rules of submitting comments and providing opinions on draft land-use plans and studies on the conditions and directions of local spatial planning which result from the Act of 27 March 2003 on spatial planning and management.

The complementary element of a SEA is the public participation. The information on the following should be publicised:

- beginning of the works on the document draft and its subject,
- the possibility to read the document draft, prognosis and available, at the current stage, positions of other bodies, and the place where the documents are available for viewing,
- the possibility to file comments and conclusions,
- the manner and place for submitting comments and suggestions, and information about period for their submission - minimum 21-days,
- the relevant authority to consider the comments and applications,
- actions in case of transboundary environmental impact, if undertaken.

Before the document is accepted the entity developing its draft considers the findings of the environmental impact prognosis, the opinions of respective authorities, and considers the comments and applications submitted referring to the public participation.

A written summary is attached to the accepted document, including justification for choosing the accepted document in relation to the considered alternative solutions, as well as information on the manner in which those solutions have been taken into consideration and in what scope have they been considered:

- the arrangements included in the prognosis of the environmental impact,
- opinions of the relevant bodies,
- submitted comments and conclusions,
- the results of the procedure relating to the transboundary environmental impact, where it has been conducted,
- propositions referring to the method and frequency of monitoring of the effects of realisation of the document's provisions.

The authority which prepares the draft is obliged to monitor the effects of realisation of the accepted document's provisions in the scope of environmental impact.

The draft document cannot be adopted if the strategic environmental impact assessment shows that it can have a significantly negative impact on Natura 2000 sites, and there are no grounds referred to in Art. 34 of the Act of 16 April 2004 on nature conservation (overriding public interest, absence of alternative solutions, ensuring the implementation of compensation).

We invite you to watch the promotional video of the UNECE Protocol on Strategic Environmental Assessment, prepared by the European Commission