



# GUIDE TO STRATEGIC ENVIRONMENTAL ASSESSMENT IN URBAN PLANNING

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Responsible: Harald MÜLLER, Team Leader AMBERO Belgrade

### Authors:

Sabina IVANOVIĆ

Zoran RADOSAVLJEVIĆ

Evica RAJIĆ

Dejan FILIPOVIĆ

Stefan DRÄGER

Gabriele THIELMANN

Harald MÜLLER

Ratka ČOLIĆ

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AMBERO Belgrade

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Đorđe Mojović, Ana Raković; Urban Development Program, Belgrade



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Belgrade, September 2015



# List of abbreviations

DRP	Detailed Regulation Plan
EIA	Environmental impact assessment
EU	European Union
GRP	General Regulation Plan
GUP	General Urban Plan
LEP	Law on Environmental Protection
LPC	Law on Planning and Construction
LSEA	Law on Strategic Environmental Impact Assessment
MVE	Marginal value of emission
MVI	Marginal value of imission
PC	Planning Committee
SEA	Strategic environmental assessment
BP	<i>Bebauungsplan</i> (Detailed municipal land use plan in line with German legislation)
FNP	<i>Flächennutzungsplan</i> (Preparatory municipal land use plan in accordance with German legislation)
GOP	<i>Grünordnungsplan</i> (Specific plan for nature conservation at the level of the <i>Bebauungsplan</i> in line with German legislation)
LP	<i>Landschaftsplan</i> (Specific plan for nature conservation at the level of the <i>Flächennutzungsplan</i> in line with German legislation)

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# INTRODUCTION

Strategic environmental assessment (SEA) is an instrument used to describe, rate and assess possible significant impacts of planning concepts on the environment which may occur as a result of the implementation of a plan, programme or project.

In the European Union (EU) countries, SEA is an integral part of the plan and programme passing procedure in cases in which their implementation could result in a significant impact on the environment. SEA was introduced in the EU in 2001 by the adoption of the EU Directive 2001/42/EC on strategic environmental assessment, which obliged the EU member states to incorporate SEA into their national legislation. In view of Serbia's rapprochement to the EU, the Government has introduced SEA already in 2004 by the adoption of the national SEA Law.

In line with the Law on Planning and Construction, urban plans should, as early as possible – preferably already in the stage of the planning decision, be examined in terms of their impact on the environment. The integration of SEA into urban planning opens up the possibility to perceive and avoid negative effects and changes in space and environment. In that way, SEA can contribute to the achievement of sustainable development in line with the needs of environmental protection.

Nearly 10 years have passed since the adoption of the SEA law in Serbia, and public institutions and professionals had the opportunity to make their experiences with the incorporation of SEA in their daily planning practice. Discussions with professionals and the baseline analysis carried out within the GIZ project "Strengthening of Local Land Management in Serbia" showed that SEA, on the one hand, has become a regular part of the planning practice. On the other hand, there are still some implementation problems which require attention. The shortcomings addressed in discussions with professionals during the elaboration of this guide are mainly related to a lack of standards, methods and transparency of the SEA process, insufficiently defined competencies in the procedure of passing the decision on the need to conduct a SEA, selection of the contractor, verification and evaluation of the SEA Report, absence of a standardised methodology as well as a link to the LPC in regard to the parts of SEA which should make an integral part of the plans.

Against this background, the guide before us wants to contribute to a better understanding of SEA – providing technical information about the procedure, content and methods to be applied in the SEA process – its final goal is to improve the quality of the SEA and urban plans. The guide mainly focuses on the integration of SEA in urban plans and primarily targets planners and local self-governments as a means of support for developing urban plans in an environmentally sensitive manner.

The guide is a result of intense cooperation between planners and environmental experts from the Ministry of Construction, Traffic and Infrastructure, the Ministry of Agriculture and Environmental Protection, University of Belgrade, local self-governments and experts from abroad, and it is based on experiences made in various urban development projects in Serbia and Germany.

The guide does not offer solutions to the issues such as, for instance, lack of data, but has the aim to contribute to better integration of the SEA process into the planning process in the future, thus generating the improvement of the process itself. To this extent, the guide contains examples from years-long practice in implementation of this instrument in Serbia and corresponding examples from Germany.

## 1.1 Legal framework

Law on Planning and Construction ("Official Gazette of the RS", No. 72/09, 81/09-correction, 64/10-CC, 24/11, 121/12, 42/13-CC, 50/13-CC, 98/13-CC, 132/14 and 145/14-correction) (hereinafter: LPC) is the basic legal act which regulates planning and organisation of space in the Republic of Serbia. It is based on the Constitution of the Republic of Serbia ("Official Gazette of the RS", No. 98/06), and adapted to the specific circumstances of the current economic and social transition in Serbia. In accordance with the LPC, the development and the use of space should be based on the principle of sustainable development. Environmental protection conditions and measures make an integral part of a planning document. The information on the location and the location permit, conditions and measures for environmental protection shall be established upon the plan and separate laws. The Planning and Construction Amendment Law from the year 2014 explicitly regulates that the SEA Report makes an integral part of the background documentation for spatial plans (but not urban plans). Two following changes in the LPC are also important for the SEA implementation: 1) change in the planning decision stage, where the obligation of obtaining an opinion on the need on SEA elaboration (screening) from the competent environmental protection authority (Art. 46) has been introduced, and 2) introduction of the early public inquiry (Art. 45a), which opens up the possibility to inform the public, get their views, objections and suggestions which could influence



Photo: AMBERO

the planning concept, as well as to inform and invite the public stakeholders responsible for defining the conditions for protection and organisation of space and construction to give their opinion in regard to the conditions and the required scope and depth of environmental assessment (scoping) in the early stage of the planning process.

**The Law on Strategic Environmental Impact Assessment** (“Official Gazette of the RS”, No. 135/04, 88/10) (hereinafter: LSEA) regulates the conditions, methods and procedure of the environmental assessment of plans and programmes in order to avoid negative environmental impacts and to contribute to sustainable development. The provisions of this Law do not relate to plans and programmes intended for the defense of the country, plans intended for mitigation and elimination of impacts of natural disasters, as well as financial and budgetary plans.

According to Art. 5 of the Law, SEA shall be carried out for all plans and programmes, among others for urban and spatial plans. The Law also defines the procedure of passing the decision on the need to conduct a SEA, as well as the procedures of development and assessment of the SEA Report. Annexes to the Law provide criteria for the determination of characteristics of possible significant impact on the environment and evaluation of the SEA Report, all according to the recommendations of the EU Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment from 2001.

**The Law on Environmental Protection** (“Official Gazette of the RS”, No. 135/04, 36/09, 36/09- oth. law, 72/09-oth. law and 43/11-CC) (hereinafter: LEP) establishes an integral system of environmental protection in order to provide the basis for the fulfillment of the human right to live and develop in a healthy environment and for a balanced relation between economic development and the environment in the Republic of Serbia. By the Art. 14, the Law defines SEA as one of the instruments for control, use and protection of the natural resources, which shall be provided by the authorities and organisations of the Republic of Serbia, the Autonomous Province and local self-governments in accordance with this and other laws.

The Law prescribes the obligations in spatial and urban planning procedures from the standpoint of the development of space, primarily related to the rational use of natural resources, landscape preservation, natural assets, health of the population and development of favourable conditions for leisure and recreation; it also prescribes binding provisions for the definition of environmental protection measures and conditions in plans. The Law also defines the SEA process depending on the type of plan or programme it is conducted for.

The Law also regulates the form of public participation in the SEA process. According to the Art. 81 “the participation of public regarding strategic impact assessment shall be ensured within the public inquiry of spatial and urban plans”.

Provisions related to planning and development of space in the LEP are included in the following articles:

TABLE 1  
Provisions related to planning and development of space in the LEP

ARTICLE	PROVISIONS RELATED TO PLANNING AND DEVELOPMENT OF SPACE
10.	Sustainable management of natural resources and environmental protection are regulated by this Law, as well as other laws and regulations which regulate <b>assessment of the impact of plans, programmes and projects on the environment</b> .
11.	Natural resource management is achieved through <b>planning of sustainable use and preservation</b> of their quality and diversity, in line with the conditions and measures aimed at environmental protection.
14.	The control of use and protection of natural resources and assets is provided through authorities and organisations [...] in accordance with this and other laws, and especially: the implementation of the National Strategy, plans, and programmes; implementation of standards, norms and regulations on use and protection of natural resources and assets; <b>strategic environmental impact assessment of plans, programmes, and other acts which regulate the use of natural resources and environmental protection</b> [...].
19.	Development and spatial plans shall determine development areas at certain sites depending on the <b>capacity of the environment and the degree of load</b> , as well as on the development objectives within certain parts of these sites.
20.	Public green areas in settlements and places covered by <b>spatial and urban plans</b> are developed and maintained in a way which shall enable preservation and development of natural and man-made values.
33.	Spatial development and use of natural resources and assets defined by <b>urban, spatial and other plans</b> (agricultural land use and development plans, forest and water area plans and programmes [...]) are based on the following obligations: <ul style="list-style-type: none"> <li>– Natural resources and assets need to be well preserved, promoted and, to the extent possible, restored; in case they are not restorable, they should be used rationally,</li> <li>– Protection of the protected natural assets and their protected environment must be provided so as to facilitate their uninterrupted functioning [...],</li> <li>– Preservation of developed space must be provided,</li> <li>– Conditions for leisure and recreational activities must be provided,</li> <li>– Environmental protection measures must be provided,</li> <li>– The status quo and the planned situation must be presented together with the measures needed to implement the plans.</li> </ul>
34.	<b>Spatial and urban plans will provide measures and conditions of environmental protection</b> , and especially: <ul style="list-style-type: none"> <li>– Identification of special regimes of protection and use for areas of protected natural assets, water supply sources, etc. [...]</li> <li>– Identification of areas of jeopardised environment (polluted areas, areas jeopardised by erosion and torrents, exploitation of mineral raw materials, floodlands, etc.) and identification of measures to rehabilitate such areas,</li> <li>– Identification of environmental protection measures and conditions in accordance with which the space will be used [...] the development or use of which may jeopardise the environment.</li> </ul>
35.	<b>The Strategic environmental impact assessment (SEA)</b> is conducted for plans and programmes in the area of spatial and urban planning or land use, agriculture, forestry, energy, industry, transport, protection of natural and cultural assets [...] and is an integral part of the plan, that is, programme. The strategic environmental impact assessment must be in compliance with other environmental assessments as well as with environmental protection plans and programmes, and shall be conducted in accordance with the procedure prescribed in a separate Law.

**Law on Nature Protection** (“Official Gazette of the RS”, No. 36/09, 88/10 and 91/10-correction) regulates the protection and preservation of the nature and biological, geological and landscape versatility as a part of the environment. The provisions of this Law stipulate that protection of natural assets and areas, as well as planning, development and use of resources of protected areas and environmental networks need to be conducted based on spatial and urban plans, technical documents and project designs and other plans and programmes.

In case that in the procedure for issuing nature protection conditions it has been established that it is likely for a plan, programme, project, work or activity to have a significant impact on the goals of preservation and wholesomeness of the environmentally significant area, the Ministry, body in charge of environmental protection in the Autonomous Province, i.e. local self-government body in charge of environmental protection conducts an assessment of their acceptability. In case that, based on the assessment of the acceptability, it has been established that the plans, programmes, projects, works or activities may have a significant impact on the goals of preservation and wholesomeness of an environmentally significant area, the competent body will refuse to grant the approval.

**Law on the Spatial Plan of the Republic of Serbia 2010-2020** (“Official Gazette of the RS”, No. 88/2010) – The Spatial Plan of the RS 2010 – 2020 defines long-term obligations relating to organisation, development, use and protection of space in the Republic of Serbia with the aim to reconcile economic and social development with natural, environmental and cultural potentials and limitations on its territory.

**Law on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters** (“Official Gazette of the RS – International Agreements”, No. 38/09) ratifies the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters which was adopted on the 25th of June 1998 in Aarhus, Denmark (the Aarhus Convention).

**The Law on Free Access to Information of Public Importance** (“Official Gazette of the RS”, No. 120/04, 54/07, 104/09, and 36/10) regulates the right to access information of public importance handled by public authorities and institutions for the purpose of achieving and protecting the interest of the public, and the establishment of a free, democratic and open society. Information of public importance, in the sense of this law, is the information handled by a public authority or body, developed in the course of work or concerning the work of the public authority or body, contained in an individual document, and related to everything that the public has the justified right to know about.

**Law on the Ratification of the SEA Protocol to the Convention on Environmental Impact Assessment in a Transboundary Context** (“Official Gazette of the RS – International Agreements”, No. 1/2010) ratifies the Protocol on SEA to the Convention on Environmental Impact assessment in a Transboundary Context adopted on the 21st of May 2003 in Kiev, Ukraine. The aim of this Protocol is to facilitate a high level of environmental protection, including health, by: facilitating that issues related to the environment, including health, are fully taken into consideration in the development of plans and programmes; contributing to the deliberation of issues related to the environment, including health, on drafting policies and laws; establishment of clear, transparent and efficient procedures for SEA; facilitating public participation in SEA; and the use of these means to integrate the issues related to the environment, including health, into the measures and instruments passed so as to contribute to sustainable development.

## 1.2 Glossary

In this chapter, the terms used in this guide will be defined. First, there is an explanation of the terms as defined by the LSEA, followed by the other terms used in this guide.

The following terms are defined by the LSEA, Art. 3, and used in this guide accordingly:

- 1) **Plans and programmes** are all development or other plans and programmes and sectoral master plans, including their amendments, which are prepared and/or adopted by the authority at the national, provincial or local level, prepared by a competent authority for the purpose of adoption in the appropriate procedure by the the Assembly or Government of the Republic of Serbia, or the Assembly or the executive authority of the Autonomous Province or local self-government units, as well as plans and programmes adopted pursuant to the legislation.
- 2) **Strategic assessment of the impact of certain plans and programmes** on the environment implies the preparation of the report on the environmental status, implementation of the consultation procedure, taking into account the report and results of consultations in the decision-making procedure and procedure of enactment or adoption of certain plans and programmes, as well as providing information and data related to the adopted decisions.
- 3) **Strategic Assessment Report (Environmental Report according to the EU-Directive 2001/42/EC)** is a part of documentation attached to plans or programmes which includes the identification, description and assessment of potential significant effects on the environment caused by implementation of plans and programmes, as well as alternatives considered and adopted based on the objectives and area covered by plans and programmes.



- 4) **Authorities and organisations concerned** are the authorities and organisations of the Republic, Autonomous Province and local self-governments having interest, in accordance with their responsibilities, in decisions related to environmental protection.
- 5) **Public** includes one or several natural or legal persons, associations, organisations or groups.
- 6) **Public concerned** includes public which has been affected or public which may be affected by the plan or programme and/or has interest in decisions related to environmental protection, including non-governmental organisations involved in environmental protection and registered with the competent authority.

Other important terms used in the guide:

- 1) **Procedure** implies all activities related to the SEA elaboration.
- 2) **Planning authority** is the public body responsible for spatial and urban planning affairs in the Republic of Serbia, Autonomous Province, municipality, city and the City of Belgrade (Art. 47 (1) of the LPC).
- 3) **Planning Committee** is a committee established by the assembly of the local self-government to accomplish professional tasks in the planning process and its implementation, as well as to provide expert opinion upon request of competent administrative bodies.
- 4) **General Urban Plan** is elaborated as a strategic development plan with general elements of spatial development. A General Urban Plan is developed for settlements established as a city according to the provisions of the Law on Territorial Organisation of the Republic of Serbia ("Official Gazette of the RS", No. 129/07) and for the City of Belgrade.

Photo: AMBERO



- 5) **General Regulation Plan (GRP)** is mandatory developed for settlements acting as the centre of the local self-government unit. It may also be developed for other settlements on the territory of a municipality, i.e. town, i.e. the City of Belgrade, if this is envisaged by the Municipal Spatial Plan. For local self-government units in which the LPC prescribes the development of a GUP, GRPs have to be developed for the whole construction area of the settlement, by parts of the settlement. It may also be developed for construction structure networks and public spaces.
- 6) **Detailed Regulation Plan (DRP)** is developed for parts of settlements, for regulation of informal settlements, urban renewal areas, infrastructural corridors and facilities, as well as for areas for which the obligation to develop a DRP was established by a previously adopted plan. A Detailed Regulation Plan may be exceptionally developed even if another urban plan or a Municipal Spatial Plan does not prescribe it, upon the decision of the competent authority or request of a person who has concluded a contract on financing the development of the plan in question with the local self-government (Art. 27 LPC).
- 7) **Main contractor of the SEA Report** (or SEA Report developer pursuant to Art. 10 of the LSEA) is a legal entity or entrepreneur registered at the appropriate registry as entitled to execute activities related to spatial and urban planning and elaboration of plans and other development documents.
- 8) **Environment** is a set of natural and man-made values, the complex mutual relations which make the environment, i.e. space and living conditions (definition taken from Art. 3 of the LEP Definition of terms).
- 9) **Sustainable development** means the reconciliation of economic, social and environmental aspects of development, rational use of non-renewable and provision of conditions for a greater use of renewable resources with the aim to fulfill the needs and improve the quality of life for current and future generations. (Art. 3 (2) of the LPC).
- 10) **Monitoring** is a planned, systematic and continuous observation of the state of the environment i.e. parts of the biological, geological and landscape variety as a part of the integral monitoring of environmental elements in space and time.
- 11) **EU Directive on SEA** (Directive 2001/42/EC of the European Parliament and Council from 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment) prescribes the procedure of environmental assessment of plans and programmes which may have significant impact on the environment. The objective of this Directive is to provide for a high level of environmental protection and to contribute to the integration of environmental considerations into the development and adoption of plans and programmes with the aim to promote sustainable development, by ensuring that, in accordance to this Directive, an environmental assessment of certain plans and programmes which are likely to have significant effects on the environment is carried out.



- 12) **Screening** is a term which originates from English with the meaning „to sieve, to select“. In its original form it has been used in all European countries as the term for a part of the SEA procedure, so in Serbia as well.

*Screening is the process for deciding whether a particular plan, other than those for which SEA is required, would be likely to have significant environmental effects and should therefore be taken forward for SEA.*

*(Government of Ireland 2004)*

- 13) **Scoping** is a term which also originates from the English word: scope – range, scoping area, framework. Scoping defines the scope and frame of tasks and examinations within complex processes. Within SEA, the scoping stage of the process is used to define the level of detail and the scope of necessary examinations for the SEA Report.









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# SEA PROCEDURE



# 2.1 Overview of the procedure

## What the EU Directive says

Strategic environmental assessment provides a systematic support to the decision-making process which aims to ensure that environmental and possibly other sustainability aspects are considered effectively in policy, plan and programme making. Following the EU Directive 2001/42/EC, the SEA procedure comprises the following steps:

- Screening, examination whether a plan or programme falls under the SEA legislation,
- Scoping, defining the scope of the assessment and assumptions required,
- “Documentation of the state of the environment”, effectively a baseline on which to base judgments,
- “Determination of the likely (significant) effects on the environment”, usually in terms of an estimation of expected changes rather than firm figures,
- Informing and consulting the public,
- Influencing “decision-making process” based on the assessment and
- Monitoring of the effects of plans and programmes after their implementation.

The SEA procedure needs to be simultaneous, that is coordinated with the procedure of the plan elaboration: SEA results and the progress achieved in the process of developing the plan need to be continually harmonized. The procedure of environmental impact assessment (EIA) will later complement the SEA. The EIA process is conducted when a project causing effects on the environment has been approved, while the SEA starts in an earlier stage, already in the stage of the plan elaboration. The SEA provides a great contribution to achieving sustainable development goals, as this is the way to ensure that decisions important from the standpoint of environmental protection are subject to influence as early as in the planning stage.

*The purpose of the SEA is to improve plans in terms of environmental protection and sustainable development.*

Photo: AMBERO



## What the SEA Law says

By adopting the LSEA, Serbia has transposed the EU Directive into national legislation already in 2004. According to Art. 8 of the LSEA, the SEA comprises the following three main stages:

- 1) **Preparatory stage**, which shall include:
  - Decision on the strategic assessment elaboration,
  - Selection of the SEA developer,
  - Participation of authorities and organisations concerned;
- 2) **SEA Report**;
- 3) **Decision-making stage**, which shall include:
  - Participation of authorities and organisations concerned;
  - Participation of the public;
  - Report on results of the participation of authorities and organisations as well as public concerned;
  - Evaluation of the Strategic assesment report;
  - Approval of the Strategic assesment report.



Photo: AMBERO



## GRAPH 1 SEA procedure

Taking into consideration the provisions of the LSEA and the EU Directive, as well as best practices from Europe, the SEA procedure comprises the following steps:

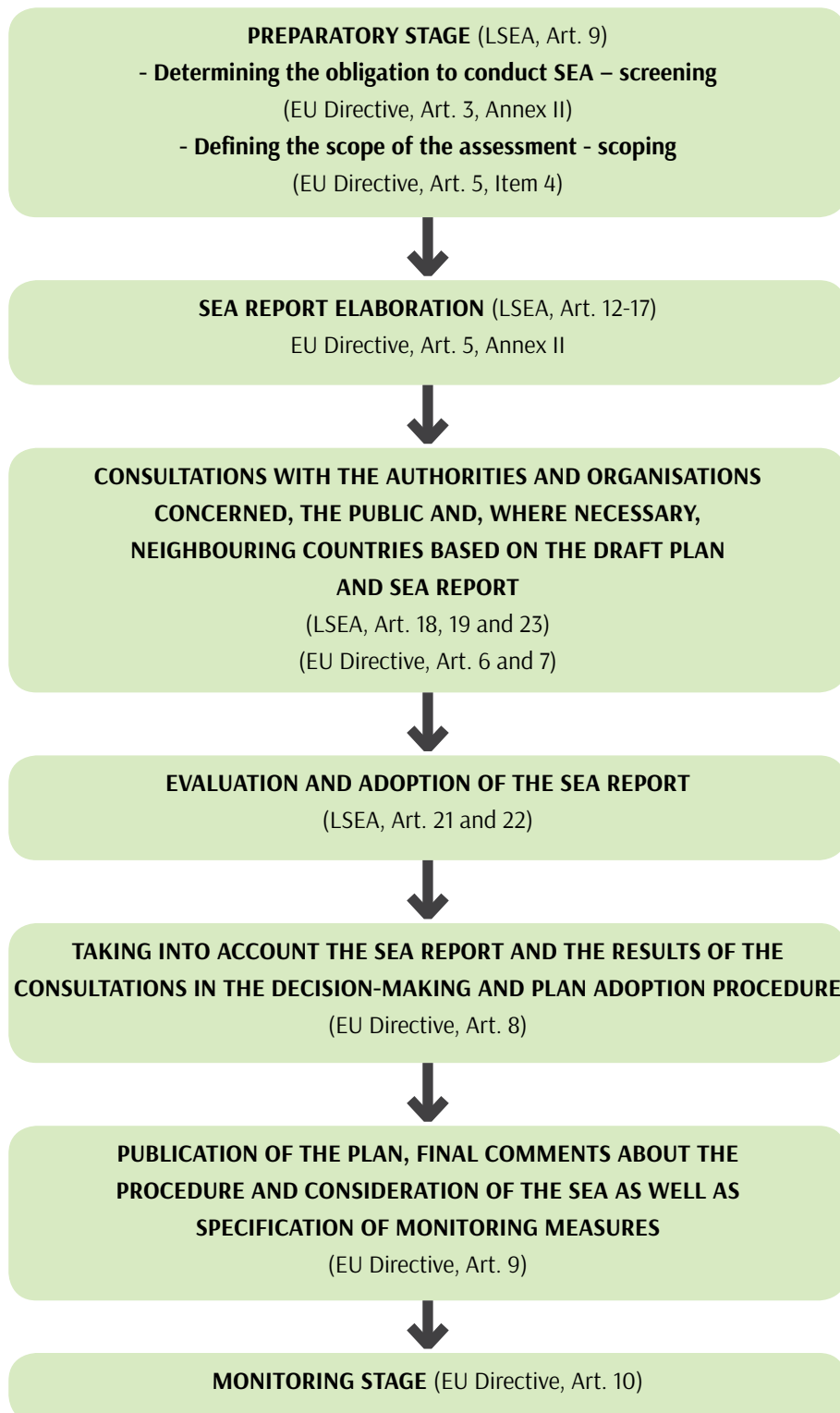




Photo: AMBERO

**TABLE 2**  
Steps and content of the SEA procedure – interpretation of the EU Directive in the Guide to Strategic Environmental Assessment in Urban Planning

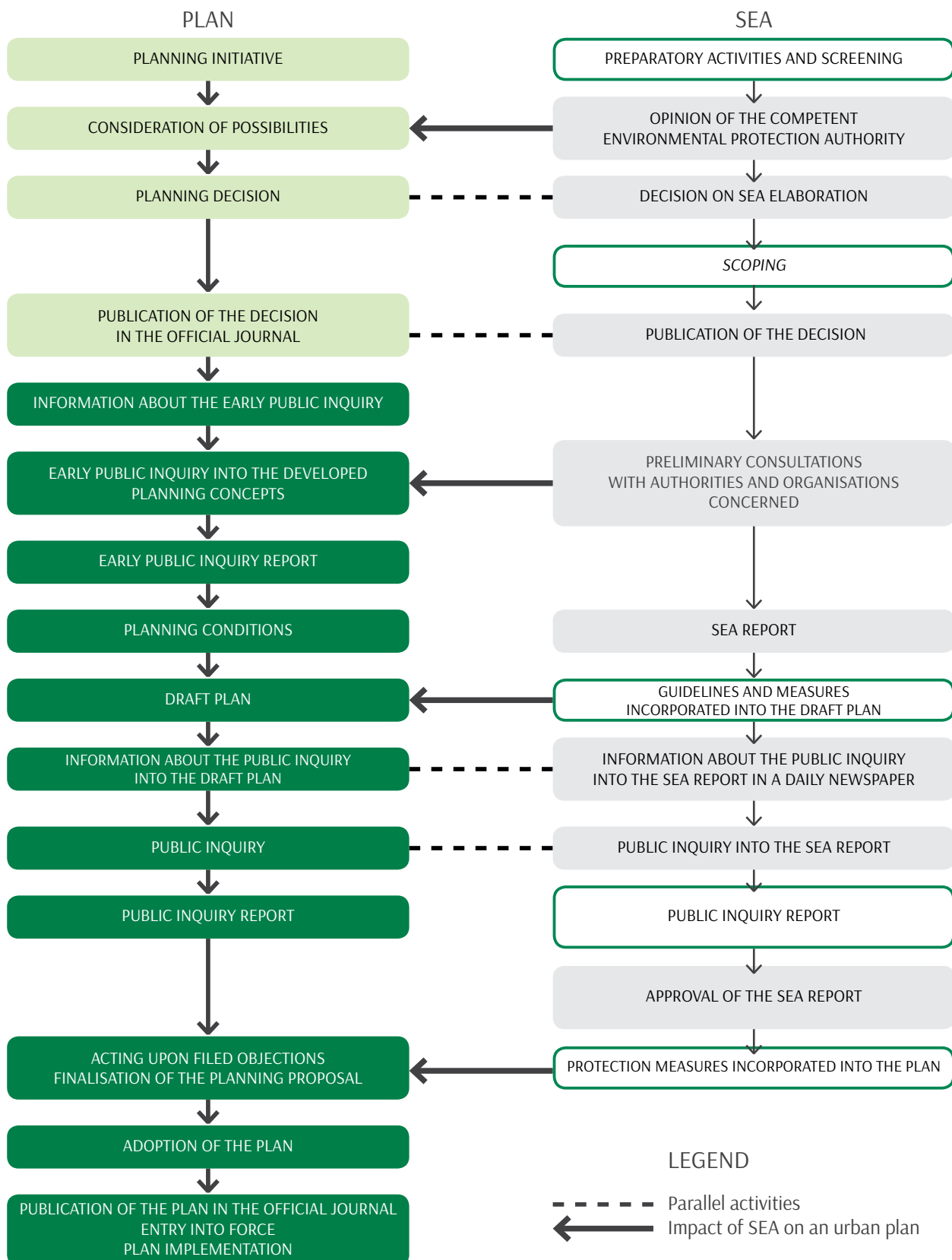
SEA STAGE	CONDUCTING CONSULTATIONS IN A NON-TRANSBOUNDARY CONTEXT	ADDITIONAL CONDITIONS IN A TRANSBOUNDARY CONTEXT
Decision on the need for SEA of a plan or programme (screening)	Consulting the competent authorities (Art. 3 (6)) Public access to information (Art. 3(7))	
Decision on the scope and level of detail of the information needed for assessment	Consulting the competent authorities (Art. 5 (4))	
SEA Report of a plan or programme	Public access to information (Art. 6 (1)) Consulting the competent authorities (Art. 6 (2)) Consulting the affected part of the public (Art. 6 (2))	Consulting the competent authorities in states which are likely to be affected by the planning concept (Art. 7 (2)) Consulting the affected part of the public in states which are likely to be affected by the implementation of the plan (Art. 7 (2))
During the elaboration of the plan or programme	Taking into consideration the SEA Report and opinions submitted pursuant to Art. 6 (Art. 8)	Taking into consideration the results of the transboundary consultations (Art. 8)
Adoption of the plan or programme; statement pursuant to Art. 9 (1) (b) Monitoring measures	Access to information to competent authorities (Article 9 (1)) Public access to information (Art. 9 (1))	Access to information to the consulted states (Art. 9 (1))

Adapted by: Dr Stefan Dräger

GRAPH 2

Development of an urban plan and a SEA Report – general overview of the procedure, role and contribution of SEA.

Prepared according to the provisions of the LPC (2014) and LSEA (2010)



\* Urban plans which are not subject to the compliance verification i.e. approval of the competent Minister.

## 2.2 Preparatory stage

In the first stage of the SEA procedure, it has to be decided whether it is necessary to conduct SEA for the plan which is to be developed. At the same time, further steps in the SEA procedure will be prepared and defined in this stage.

Among other things, the LSEA also prescribes the selection of the contractor for the elaboration of the SEA Report in this stage, as well as the involvement of authorities and organisations concerned in the preparatory process. According to the LSEA, no consultations with the public are necessary in the decision-making process.

The decision-making process on preparation of the SEA, according to the LSEA, comprises two steps, which are interconnected in the Law:

- Establishment of the obligation to conduct SEA (screening stage),
- Establishment of the scope of the assessment (scoping stage).

In most EU countries these two steps are clearly separated within the first stage of the SEA process, so this may be deemed as the European standard. In such a way, the procedure becomes easier to handle and may be clearly structured.

The division of the procedure in two separate steps, primarily in urban planning, is also useful for purely practical reasons:

- The provisions of the LSEA prescribe the obligation to conduct SEA for all urban plans, in other words, the screening procedure is, as a rule, not necessary since the LSEA sets out clearly that SEA is compulsory for all urban plans.
- In very few exceptions which do not fall under the obligation to conduct SEA, the engagement necessary to conduct the whole preparatory stage of the procedure can be omitted.

### DECISION ON SEA ELABORATION

#### *Art. 9 of the Law on Strategic Environmental Impact Assessment*

The competent planning authority, in accordance with the previously obtained opinion of the competent environmental protection authority and other authorities and organisations concerned, shall make the decision on the strategic assessment elaboration.

The decision referred to in Par. 1 of this Article shall include in particular:

- 1) The data on the type of plan and programme;
- 1a) The reasons based on which the strategic assessment has been carried out in accordance with the criteria referred to in Art. 6 of this Law;
- 2) The review of issues and problems related to the environment in the plan and programme that are going to be considered within the strategic assessment;
- 3) The reasons for omission of certain issues and problems related to the environment in the plan and programme out of the strategic assessment;
- 4) The elements of the Strategic Assessment Report;
- 5) The selection and obligations of the prime developer of the SEA Report (proposal of methodology, composition of the expert team, deadline for elaboration etc.);



For the given reasons, these two steps will be clearly separated in this guide. The provisions of the LSEA were taken into consideration in each of the individual steps.

### 2.2.1 The need for strategic environmental assessment – screening

The decision on the need for SEA comprises the first stage of the SEA process (screening stage). This decision is an integral part of the planning decision, which is passed pursuant to Art. 46 of the LPC.

The LSEA (Art. 5 (1)) prescribes that all plans and programmes in the field of spatial and urban planning, agriculture, forestry, fishing, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, preservation of natural habitats and wildlife (flora and fauna) which are setting the framework for granting the approval of future development projects governed by environmental impact assessment regulations **must be subjected to SEA.**

*The decision on the need to conduct SEA is sufficiently explained by the following wording: „Pursuant to Art. 5 (1) of the LSEA, conducting SEA is obligatory“.*

- 6) The method of participation of authorities and organisations and public concerned in the procedure of elaboration and consideration of Strategic Assessment Report;
- 7) Other data of relevance for the elaboration of the SEA.

The competent planning authority referred to in Article 5, Par. 2 of this Law may decide not to elaborate the strategic assessment based on the previously obtained opinion of the competent environmental protection authority and other authorities and organisations concerned.

The decision referred to in Par. 3 of this Article shall include the following:

- 1) The data on the type of plan;
- 2) The reasons for non-elaboration of the strategic assessment in accordance with the criteria stated in Art. 6 of this Law;
- 3) Other relevant data, based on which it has been decided not to proceed with the elaboration of the SEA report.

The decision referred to in Par. 1 and 3 of this Article is an integral part of the decision on preparation of plans and programmes and it is to be published in the “Official Gazette of the Republic of Serbia”, official journal of the Autonomous Province, or in the official journals of the local self-government units.



Thus, in the case of these plans there is no need to decide whether a SEA is necessary or not, since – according to the LSEA – SEA is mandatory. This means that all urban plans in general are subject to the obligatory SEA compliance:

- General Urban Plan (GUP),
- General Regulation Plan (GRP),
- Detailed Regulation Plan (DRP).

## Exceptions from the obligation to conduct SEA

Art. 5 of the LSEA provides exemption from the obligation to conduct a screening procedure only in the following cases:

“In cases of plans and programmes referred to in Paragraph 1 of this Article, which determine the use of smaller areas at the local level, or in cases of minor modifications to plans and programmes that do not require the formal adoption procedure, as well as of plans and programmes that are not listed in Par. 1 of this Article, the decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.”

The criteria used for the assessment of a potential significant impact of plans and programmes on the environment are given in Annex I to the LSEA.

### CRITERIA FOR DETERMINING THE POTENTIAL SIGNIFICANT IMPACT

*Annex I of the Law on Strategic Environmental Impact Assessment*

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Characteristics of the plan and programmes, and the following in particular: <ol style="list-style-type: none"> <li>1) Significance of the plans and programmes for environmental protection and sustainable development;</li> <li>2) Environmental protection issues related to plans and programmes and possibility of impact on: (1) air; (2) water; (3) land; (4) climate; (5) flora and fauna; (6) habitats and biodiversity; (7) protected natural resources; (8) population and health; (9) cities and other settlements; (10) cultural and historic heritage; (11)</li> </ol> </li> </ol> | <ol style="list-style-type: none"> <li>infrastructure, industrial and other structures; (12) other man-made values.</li> <li>3) The degree to which the plan and programme influences other plans and programmes including those in different hierarchy structures;</li> <li>4) The degree to which the plan or programme sets frameworks for projects and other activities, either with regard to location, nature, size and operating conditions or with regard to allocating resources.</li> </ol> |
|   | <ol style="list-style-type: none"> <li>2. Impact characteristics, and the following in particular:</li> </ol>   |



## What the EU Directive says

The EU Directive (Art. 3 (5)) leaves it up to the member states to decide about the way how to determine if a significant environmental effects are to be expected (screening). This may be done either by examination of each individual case, or by specifying the type of the plan and programme, or, possibly, by combining these two approaches.

Art. 5 (3) of the LSEA prescribes that it is necessary to compose a list of plans and programmes which are subject to the obligatory SEA compliance and those for which a SEA may be required. However, this list has not been published yet. Nevertheless, just by listing all the plans subject to the SEA compliance in the LSEA, the obligation to conduct SEA for all urban and spatial plans has been clearly set out.

- |  |  |
|--|--|
| 1) Probability, intensity, complexity, reversibility;  | cultural and historical heritage;  |
| 2) Time dimension (duration, frequency, reversibility);  | (4) densely populated areas; (5) areas with different protection regimes;  |
| 3) Spatial dimension: (1) location; (2) geographical area; (3) size of population affected; (4) transboundary nature of impact;  | 7) Impact on threatened areas: (1) exceeded environmental quality standards or limit values; (2) intensive land use; (3) existing risks; (4) reduced capacity of the environment; (5) rare and areas of extreme sensitivity; (6) ecosystems; (7) flora and fauna/wildlife species. |
| 4) Cumulative and synergistic nature of impact;  |  |
| 5) Risks to human health and the environment;  |  |
| 6) Impact on areas of natural, cultural, and other significance: (1) special natural characteristics; (2) areas and natural resources with recognised Republic or international protection status; (3) |  |

TABLE 3  
Screening matrix – an example from Serbian practice

CHARACTERISTICS OF THE ENVIRONMENT	POSSIBLE IMPACT (OUTSIDE AND WITHIN THE SCOPE OF THE PLAN AND PROGRAMME)	SIGNIFICANCE OF POSSIBLE IMPACT:			
		+ positive o neutral	- negative ~ uncertain		
Can the plan or programme cause a change or have impact on ....		+			+
<b>1. QUALITY OF AIR</b>					
1.1. As a consequence of incineration of fossil fuels from heating plants and mobile sources?					
1.2. As a consequence of emissions from production processes?					
<b>2. QUALITY OF WATER</b>					
2.1. Quality of surface water?					
2.2. Quality of ground water?					
2.3. Threats to springs and potable water sources?					
2.4. Water flow regime?					
<b>3. QUALITY OF SOIL</b>					
3.1. Soil pollution from use, storage or release of hazardous substances?					
3.2. Soil pollution by releasing sewage and other waste waters in waters and soil?					
3.3. Soil degradation?					
<b>4. CLIMATIC FACTORS</b>					
4.1. Emissions with greenhouse effects?					
4.2. Climate change?					
<b>5. FLORA AND FAUNA</b>					
5.1. Threats to biodiversity – number of plant species?					
5.2. Threats to biodiversity – number of animal species?					
<b>6. HABITATS</b>					
6.1. Threats to habitats or biotops, especially protected or jeopardised ones?					
<b>7. PROTECTED NATURAL ASSETS</b>					
7.1. Existence of protected natural assets?					
7.2. Threats to the protection regime or the use of protected natural assets?					
7.3. Threats to protected natural assets of international importance (Natura 2000, Ramsar areas, IBA, IPA, PBA, etc.)					



<b>8. OCCURRENCE OF NOISE, VIBRATIONS AND RADIATION</b>					
8.1. Threats from noise and vibrations?					
8.2. Threats from light, thermal and electromagnetic radiation?					
<b>9. POPULATION AND HEALTH</b>					
9.1. Changes in population numbers and structure?					
9.2. Threats to the health of the population?					
<b>10. SETTLEMENTS AND DEMOGRAPHIC CHANGES</b>					
10.1. Changes in the structure of settlements and changes related to the designated land use?					
10.2. Access to public areas?					
10.3. Changes in the manner or quality of life, or other changes?					
<b>11. CULTURAL AND HISTORICAL ASSETS</b>					
11.1. Existence of protected cultural assets?					
11.2. Threats to the protection regime and the use of protected cultural assets?					
<b>12. INFRASTRUCTURAL, INDUSTRIAL AND OTHER FACILITIES</b>					
12.1. Construction of new or changes in the existing traffic infrastructure?					
12.2. Construction of new or changes in the existing infrastructural systems?					
12.3. Construction of industrial facilities?					
<b>13. OTHER ELEMENTS</b>					
13.1. Municipal waste generation?					
13.2. Hazardous waste generation?					
13.3. Use of toxic and substances dangerous for humans and the environment?					
13.4. Likelihood of accidents (fire, explosions) and existence of high-risk facilities?					
13.5. Threats originated from natural disasters (earthquakes, floods, land slides)?					
13.6. Likelihood of occurrence of cumulative impact in the area covered by the plan?					

Prepared by: Evica Rajić and Dejan Filipović

## 2.2.2 Defining the scope of assessment – scoping

Scoping is an important step in the SEA procedure, in which the content and level of detail of the assessment shall be defined and limited to a necessary minimum. The scoping stage is conducted by the planning authority, i.e. the authority responsible for spatial and urban planning affairs in the Republic of Serbia, Autonomous Province, municipality, city or the City of Belgrade.

### SCOPING – an example from Serbian practice

In the procedure of elaborating the DRP and the SEA for the new residential area „Resava“ in Despotovac, in accordance with the law, planning conditions from the competent institutions and companies were obtained. In order to enable a more efficient coordination, a round table session was held so as to harmonise the conditions for the elaboration of the plan and the SEA. This expert meeting was used to discuss the scope of of the environmental assessment. The meeting was attended by representatives of the municipal administration, public and utility companies, planning company commissioned to develop the plan and the consultant commissioned to develop the SEA Report. The different planning conditions were discussed and harmonised, which resulted in jointly developed technical solutions. In this manner, the procedure of planning conditions' harmonisation was optimised, which ultimately made it possible to shorten the time needed for the elaboration of the urban plan and to identify possible conflicting effects on the environment and measures to overcome them in an early planning stage.

Source: GIZ/AMBERO-ICON Project “Strengthening of Local Land Management in Serbia”, 2012



Photo: AMBERO

Pursuant to Art. 9 of the LSEA, the authority in charge of the preparation of the plan passes the decision on the elaboration of SEA upon obtaining the opinions of authorities and organisations concerned.

Also, in accordance with Art. 18 of the Law, the authority in charge of the preparation of the plan submits the SEA Report to authorities and organisations concerned for their opinion.

For instance, when it comes to the City of Belgrade, the list of mandatory participants (authorities and organisations concerned) comprises the following institutions:

- City of Belgrade, Secretariat for Environmental Protection,
- City Public Health Institute – Hygiene and Environmental Protection Section,

- Ministry in charge of environmental protection affairs,
- Serbian Nature Protection Institute,
- Serbian Public Health Institute „Dr. Milan Jovanović Batut“,
- PUE “Beogradski vodovod i kanalizacija“,
- PUE “Zelenilo Beograd“
- Public Water Management Enterprise “Beogradvode“.

Certainly, depending on the specific characteristics of the plan, the opinion of some additional institutions may be requested in the stage of decision-making on SEA, such as the Belgrade City Institute for Protection of Cultural Monuments, PUC “Gradska čistoća“, the Ministry of Interior – Firefighting Department, etc.

## **LIST OF INSTITUTIONS MANDATORY INCLUDED IN THE SEA PROCESS IN THE CITY OF BELGRADE – an example from Serbian practice**

In the scoping stage, preliminary consultations are conducted with competent institutions and professionals, which provide the authority responsible for the elaboration of the plan with their opinions, instructions and advices for the definition of the scope, and provide their assistance in the process of collecting the necessary data and documents. For the scoping procedure, the responsible planning authority may, pursuant to the law, engage a legal entity or an entrepreneur (registered at the appropriate registry as entitled to execute activities related to spatial and urban planning and elaboration of plans and other development documents) to coordinate the scoping process.

The scope and the level of detail of environmental analysis and assessment shall be determined depending on the planning level. In accordance with the provisions of the LSEA, Art. 8 (1), this process needs to include representatives of all competent authorities and organisations involved in the process of planning and environmental protection.

Depending on the hierarchic level of the plan, the prevailing land use in the areas covered by the plan and the activities planned, the authority in charge of the preparation of the plan may also identify other institutions to request their opinion at this stage.

Neither the EU Directive nor the LSEA prescribe the involvement of the public in the scoping stage of the SEA. According to Art. 11 of the LSEA, participation in the preparation of the decision on SEA is foreseen only for “authorities and organisations”. On the contrary, the LPC amendment introduced the involvement of the public and definition of the SEA scope in an early stage of the planning process.

*In specific cases, it is also necessary to obtain the opinion of national institutions, such as:*

- PE „Nacionalni park“,
- PE „Srbijašume“
- Public Water Management Enterprise „Srbijavode“,
- Directorate for Inland Waterways „Plovput“,
- Civil Aviation Directorate.

TABLE 4  
Scoping matrix – an example from German practice

ENVIRONMENTAL ASPECT	CONTENT	AVAILABLE SOURCES OF INFORMATION	DOCUMENTS THAT NEED TO BE PREPARED
CLIMATE AND AIR QUALITY	<ul style="list-style-type: none"> <li>– Emissions</li> <li>– Fresh air inflow</li> <li>– Fresh air generation zones</li> </ul>	<ul style="list-style-type: none"> <li>– Statistics on the number of motor vehicles of the road construction companies</li> <li>– FNP and LP</li> </ul>	
SOIL	<ul style="list-style-type: none"> <li>– Structure and characteristics of soil</li> <li>– Suitability of soil for construction</li> <li>– More reasonable use of soil</li> <li>– Brownfields sites</li> </ul>	<ul style="list-style-type: none"> <li>– Geological map</li> <li>– Registry of underused property</li> <li>– FNP and LP</li> <li>– Brownfield sites' registry</li> </ul>	<ul style="list-style-type: none"> <li>– Soil research</li> </ul>
SURFACE AND GROUNDWATER	<ul style="list-style-type: none"> <li>– Groundwater level</li> <li>– Impact on surface water</li> <li>– Emergence of ground water</li> </ul>	<ul style="list-style-type: none"> <li>– LP</li> </ul>	<ul style="list-style-type: none"> <li>– GOP</li> <li>– Soil research</li> </ul>
FLORA AND FAUNA (BIODIVERSITY)	<ul style="list-style-type: none"> <li>– Plant and animal species</li> <li>– Impact on habitats and biotops</li> </ul>	<ul style="list-style-type: none"> <li>– Programme for protection of species and biotops</li> <li>– Biotop mapping</li> <li>– LP</li> </ul>	<ul style="list-style-type: none"> <li>– GOP</li> </ul>
LANDSCAPE	<ul style="list-style-type: none"> <li>– Threats to the landscape</li> </ul>		<ul style="list-style-type: none"> <li>– GOP</li> </ul>
HUMANS <ul style="list-style-type: none"> <li>– Noise</li> <li>– Recreation suitability</li> </ul>	<ul style="list-style-type: none"> <li>– Noise emissions from side streets</li> <li>– Overlapping effect</li> <li>– Impact on roads and infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>– FNP and LP</li> </ul>	<ul style="list-style-type: none"> <li>– Expert opinion on noise protection</li> </ul>
CULTURAL AND MATERIAL ASSETS	<ul style="list-style-type: none"> <li>– Impact on cultural and material assets</li> </ul>	<ul style="list-style-type: none"> <li>– List and description of monuments</li> </ul>	

Source: *Umweltbericht in der Praxis (2007)* (Environmental report in practice, 2007)



However, there are justified reasons to involve the public as early as in the scoping stage, for instance:

- Proposals submitted by representatives of the public (especially the NGO sector) may be integrated in the planning process from the very beginning,
- Conflicts of interest likely to arise may be mitigated or even eliminated in the early stage of the SEA process.

If conflicts of interest and justified comments are not revealed before the stage of decision-making, the plan must be modified, which is much more complicated and expensive to do compared with the possibility of discussing the conflicts in a timely manner and harmonizing the content and the scope of the SEA Report.

The competent planning authority is obliged to provide all the participants in the scoping process with all necessary data, such as:

- possible planning concepts,
- proposal for defining the scope of the assessment, and
- list of available data – here it would be useful to consult the competent bodies regarding the availability of data first.

The form of scoping depends on the complexity of the plan and the planning area. In simpler cases, the authority in charge of the elaboration of the plan submits a request for opinion to the authorities and organisations concerned. The authorities and organisations concerned are supplied with the necessary documents and requested to submit their opinion in writing.

Consultations may also be conducted in oral form. The advantage of oral scoping meetings lies in the fact that a direct harmonisation of different positions results in elimination of ambiguities, thus making it possible to prevent slowdowns in the decision-making process. In more complex cases, when it is expected that conflicts may arise from the plan, the process of harmonisation of conflicting opinions on the plan implementation between different authorities may be both necessary and useful.

Scoping may also be conducted within meetings of the working group established by the authority in charge of the plan preparation, which are anyway held within the plan elaboration procedure.

Finally, the structure and the scope of the SEA do not need to be defined in the order as provided in Art. 9 of the LSEA.

Harmonisation of the assessment scope with the structure of the SEA Report may be helpful for the authority in charge of environmental protection, as well as for the developer of the SEA Report.





## Steps in scoping – an example from German practice

1. Collection of necessary data and documents, formulation of the proposal for the scope of assessment and forwarding the collected documents and proposals to responsible persons and authorities.
2. Oral or written agreement with representatives of all authorities involved in protection of health and environment, possibly even representatives of other stakeholder authorities and organisations.

Particular attention must be paid to the following issues:

- Existing data vs data which need to be collected,
- How to define the assessment scope,
- Which alternative solutions are there,
- Is differentiation possible,
- Which level of detail the assessment would call for the case of each individual environmental asset,
- Which method is appropriate to a given case,
- Possible agreement on, for instance, indicators, monitoring process, etc

3. Development of a scoping report in textual or tabular form.

## Structure of the scoping report – an example from German practice

BP “COMMERCIAL PARK WÄNGEN“

### CONTENT

#### 1. Cause, aim, description

##### 1.1 Cause

##### 1.2 Aim

##### 1.3 Description

#### 2. Scope and level of detail of assessment

##### 2.1 Soil and water

##### 2.2 Air and climate

##### 2.3 Flora and fauna

##### 2.4 Protected areas

##### 2.5 Landscape

##### 2.6 Humans

##### 2.7 Cultural and material assets

##### 2.8 Other environmental aspects

#### 3. Assessment area

#### 4. Alternative solutions

#### 5. Monitoring

#### 6. Assessment of the interventions from the perspective of environmental protection

#### 7. Model of structure of the Environmental Report

Source: Bebauungsplan „Gewerbegebiet Wängen“ – Scopingunterlagen (2008) (BP for Wängen Commercial Park – documentation of the scoping process)

<http://www.m-quadrat.cc/aktuelles/GemeindeZell-Waengen-UP-Scoping.pdf>

## Scope and level of detail of assessment from scoping documentation – an example from German practice

### 2. SCOPE AND LEVEL OF DETAIL IN DEFINING RELEVANT ISSUES RELATED TO THE ENVIRONMENT WITHIN THE ENVIRONMENTAL REPORT

For the purpose of the aforementioned environmental protection issues, including the nature and landscape protection, the following researches shall be conducted:

#### 1 SOIL AND WATER

A status quo analysis that includes an assessment of the existing information on soil characteristics and parameters such as, for instance, sort, quality and type of soil.

The assessment of the soil is conducted with the aim to determine the level to which the functions of the soil have been fulfilled in accordance with Art. 1 of the Law on Soil Protection. The Guideline of the Ministry of Environment, “Bewertung der Böden nach ihrer Bedeutung” (*“Assessment of Soil Based on its Importance”*) is used as the assessment framework. (Ministerium für Umwelt, Reihe Luft/Boden/Abfall, Band 31, 1995).

This is followed by the data on the general geological and hydrogeological situation, possibly on the protected water areas and groundwater levels.

The forecast of the impact needs to include:

- Impact on soil, surface water runoff and generation of groundwater from the standpoint of the need for new areas, reshaping of the existing areas, compression and sealing of soil,
- Input of harmful substances by construction works, use and maintenance of facilities,
- Impacts caused by erecting the construction site itself, transport roads and storehouses.

#### 2 AIR AND CLIMATE

The subject planning area is a commercial area at the western border of the municipality Zell unter Eichelberg. The area itself is currently used as agricultural land, with green areas and existing trees fulfilling a microclimate function as an area where fresh air is being generated; this fresh air then goes to the built-up part of the settlement.

Negative impacts that could possibly result from the envisaged commercial purpose need to be examined.

The impact forecast needs to include:

- Disappearance of areas where fresh air is generated,
- Impairment of the fresh air flow.

#### 3 FLORA AND FAUNA

The collection of data on the status quo situation is performed through area mapping (mapping of land use/types of biotops).

Apart from this, the status quo analysis also contains the evaluation of other available sources of data (LP, biotop mapping, etc.).

Based on the analysed biotope structure, including the information from mapping of biotope types within the planning area itself, and taking into consideration other habitat relevant factors (biotop complexes, existing pollution), the planning area is also assessed from the standpoint of its importance as an animal habitat.

The impact forecast needs to include:

- Destruction, threats and changes in habitats and biotop structures resulting from construction works and use of built-up structures,
- Isolation and fragmentation of habitats,
- Level of threat to protected species.



## Individual aspects of scoping

Upon collection of data and statements of the competent authorities and authorities and organisations concerned, it has to be discussed and decided if the available data and information are sufficient or the additional data needs to be collected.

The lack of data that would be important for the decision-making, but may be obtained only through investment of very considerable amounts of time and resources, is an obstacle which may be tolerated and which must be separately described in the SEA Report.

During the scoping stage, it is necessary to define **the area which will be subject to assessment**. It may be larger than the planning area in case that the impact on the environment might also be expected to occur outside the borders of the planning area, or if a negative impact on the planning area is expected from the surrounding area (for instance, in case of flooding of a river outside the scope of the plan, or in case of emissions from an industrial complex in the vicinity of the planning area).

**The subject and the level of detail of the analysis** shall be defined in each individual case. The provisions of the LPC and other relevant laws must be taken into consideration, as well as relevant environmental protection goals. This practically means that for each plan it is necessary to separately deliberate the issue of defining the subject and focus of analysis in the SEA process, depending on the specific characteristics of the plan.

The aim of this step in the scoping stage is to present the expected impact on the environment and the environmental aspects the plan will have special impact on in an appropriate way, and then to define which effects and aspects need to be separately examined within the SEA Report.



Photo: AMBERO



## GENERAL AND SPECIFIC OBJECTIVES

Within the elaboration of plans, most of the general objectives are related to superordinate plans and the conditions dictated by them, while the specific objectives are defined in line with the specific characteristics of the plan, the area in question, condition of the environment, land use, etc.

**General objectives** of SEA are defined based on the requests and goals of environmental protection from other plans and programmes, environmental protection goals established at the national level and environmental protection goals as defined in international documents.

For the purpose of the implementation of defined goals, the specific SEA objectives are defined for the individual protected area.

**Specific objectives** of SEA are concrete, partly quantified statements of goals in the form of guidelines for changes and actions (measures, works, activities), which will assist in the implementation of the changes. The specific objectives of SEA primarily comprise a methodological measure to check the environmental impact of the plan. They need to provide the decision-makers with a clear picture of the essential impact of the plan on the environment, based on which it is possible to make decisions aimed at environmental protection and implementation of basic principles of sustainable development.

## Environmental protection goals

The **environmental protection** goals relevant for the SEA Report may be defined during scoping. The goals need to be adapted to the level of planning, and usually are already defined in the planning document of a higher hierarchical order. In case that adequate goals are not previously set, goals may be defined to correspond to individual planning area.

**Indicators** stem out of specific environmental protection goals. Indicators need to be adapted to already existent and/or data which may be easily obtained. Quantitative, measurable values may be used to control whether the goals have been reached and whether marginal values have not been surpassed.

The discussion of **alternative solutions** is one of the central components of the SEA; here, the so-called „zero alternative“, i.e. the possibility of not implementing the plan must be taken into consideration. The deliberation of possible alternative solutions needs to be included into the planning process as early as possible. The alternative solutions need to be acceptable, i.e. possible to implement, and need to be based on the geographical circumstances and goals of the plan itself.



## Environmental protection goals in the Environmental Report – an example from German practice

### ENVIRONMENTAL PROTECTION GOALS IN RELATION TO THE „STATUS QUO“

#### 1 HUMANS

- Upgrading the suitability of the area for recreation activities by enriching the area with structuring elements such as individual trees, hedges, shrubbery and lanes, as well as pastures, meadows, orchards and undeveloped areas
- Allocation of areas for construction of pedestrian and cycling paths and a pedestrian flyover crossing the highway L425 with the aim to improve the accessibility
- Extensification of agricultural production with the aim to reduce the input of harmful substances
- Reduction of dust load resulting from agricultural activities by planting hedges and shrubbery

#### 2 CLIMATE/AIR

- Increasing of the share of permanent green areas with the aim to improve the local fresh air generation
- Development and provision of permanent green areas with the aim to reduce the dust load resulting from agricultural activities
- Increasing of the share of vegetation structures with the aim to reduce the ground wind velocity
- Development and provision of vegetation structures with the aim to reduce air pollution from emissions of harmful substances through increased filtering action (dry and wet deposition)

#### 3 LANDSCAPE

- Preservation of the existing vegetation structures (the path with the hedge in the south-west of the planning area, tree alley and hedges in the Rheinhessen Street, tree alley in the Ludwig Erhard Street)
- Enriching the landscape using dividing and structuring elements (individual trees, hedges, shrubbery and individual fruit trees on meadows)
- Creating visual lead-in lines by planting tree alleys along asphalted roads in north-south and west-east direction
- Strengthening visual versatility by the development of flower meadows and pastures which would be alternating with large developed agricultural areas with strong diversification of agricultural crops

Source: „Wirtschaftspark Mainz-Süd (He116): Umweltbericht mit integriertem LPB“ (2004) („Business park Mainz-South: Environmental report with integrated accompanying Landscape protection plan”).

Moreover, measures aimed at **prevention, minimisation and compensation** of negative, i.e. augmentation of positive impact on the environment should make an integral part of the assessment scope. Certainly, this in case when impact may be forecasted in this stage.

There are no clearly established **assessment methods**. The current level of knowledge should be taken into consideration, while the methods should be generally acknowledged by the professional and scientific public. This is why the SEA methods are frequently adapted to individual, specific cases. The selection of the approach needs to be presented and justified in the SEA Report.

In order to reduce the scope of the SEA to the necessary level, it is important to check the stipulations of the hierarchically superordinated plans and programmes during the scoping stage. If the development of the plan is an integral part of a multi-step procedure taking place on several hierarchical levels, in order to prevent repetition, it shall be established which impact on the environment within which level of this process needs to be examined as a priority.

The analysis and integration of the content of plans of other levels may be done top-down and bottom-up. It is possible to use data both from hierarchically superordinated and subordinated plans.

Thus, in the process of developing a Detailed Regulation Plan it is possible to use data from SEA of hierarchically superordinated plans, such as, for instance, a General Urban Plan or a General Regulation Plan. SEA Reports of these already elaborated plans in such a case must be updated, complemented or treated into more detail.

*Coordination with the stipulations of the hierarchically superordinated plans can disburden the SEA procedure at each planning level. Checking this is an important part of scoping.*

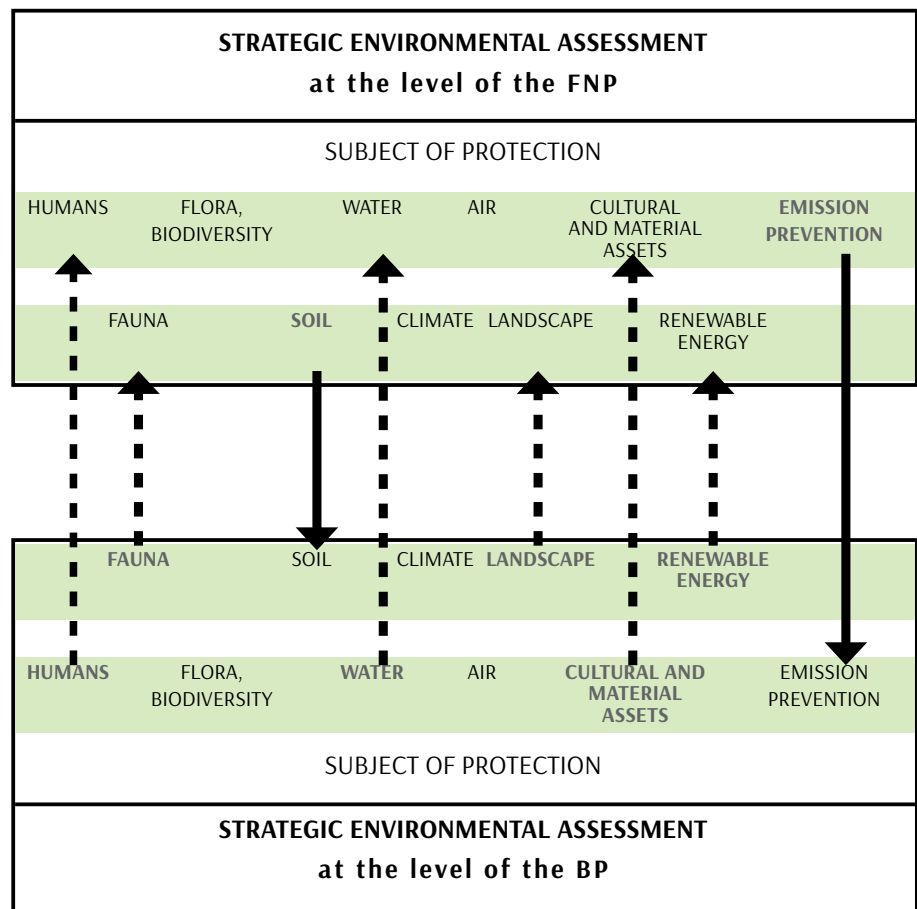
Photo: AMIBERO



GRAPH 3

## Environmental assessment at different planning levels in Germany

- - - - - ➔ Differentiation towards hierarchically superordinated plans  
 ————— ➔ Differentiation towards hierarchically subordinated plans



Adapted from: [http://www.planung-umwelt.de/Vortr%E4ge/UP\\_BP\\_Koch.pdf](http://www.planung-umwelt.de/Vortr%E4ge/UP_BP_Koch.pdf)

Commentary to the Graph 3 showing a theoretical example for the implementation of the differentiation process:

- At the level of the FNP, all environmental factors were examined, except for the factor “soil”. “Soil” is an environmental factor which is an important topic in this particular case (for instance, due to suspected pollution with harmful substances) to be examined at the level of the BP.
- The results for the factors “humans”, “fauna”, “water”, “landscape”, “cultural and material assets”, and “renewable energy sources” obtained through an up-to-date research at the level of the FNP are sufficient, thus they do not need be reconsidered at the level of the BP. In such case, it is sufficient to quote the Environmental Report of the FNP.
- For the categories “climate”, “air” and “prevention of emissions” in this specific case, detailed research needs to be conducted due to the specific impact on the environment. In such categories it is not possible to take over the results of the research conducted at the level of the FNP.

In the Serbian context, when, for instance, all environmental aspects have already been examined within the GUP or the GRP, it is possible to establish whether and which aspects should be examined in more detail at the level of the DRP in the SEA Report of these plans. However, this is only so in case that the SEA Report of the GUP or GRP is still up to date and prepared in an appropriate manner. If the SEA Report of the hierarchically superordinated plan was elaborated a long time ago, or not in sufficient detail, the whole procedure must be repeated at the DRP level.

It is also possible to decide not to conduct a detailed research of the individual impact on the environment at the level of the GUP, and to establish that it needs to be conducted within the process of the DRP elaboration. This may be defined through guidelines for conducting SEA at lower hierarchical levels.

This process may also be reversed. In the process of elaborating the DRP, which would demand modifications of the GRP and possibly the procedure for exception from the GUP, the SEA Report of the DRP may also be used for hierarchically superordinated plans.

Also, it is possible to think about the monitoring of expected significant impact on the environment and to formulate first proposals related to the topic already in the scoping stage.

## Completion of the scoping process

The results of scoping should be summarized in a scoping report, text or table. The scoping report should actually be the base for the public procurement procedure for selection of the main contractor for the SEA Report.

In accordance with Art. 9 of the LSEA, the scoping report must comprise the following:  
The decision referred to in Par. 1 of this Article shall include in particular:

- Data on the type of plan or programme;
- The reasons based on which the strategic assessment has been carried out in accordance with the criteria referred to in Art. 6 of this Law;
- The review of issues and problems related to the environment in the plan or programme that are going to be considered within the SEA;
- The reasons for omission of certain

issues and problems related to the environment in the plan or programme out of the SEA;

- The elements of the SEA Report;
- The selection and obligations of the prime developer of the SEA report (proposal of methodology, composition of the expert team, deadline for elaboration etc.);
- The method of participation of authorities and organisations and public concerned in the procedure of elaboration and consideration of strategic assessment report;
- Other data of relevance for the strategic assessment elaboration.

### CONTENT OF THE SCOPING REPORT

*Art. 9 of the Law on Strategic Environmental Impact Assessment*





## Monitoring in scoping documentation – an example from German practice

### MONITORING

Measures aimed at monitoring of significant environmental effects caused by implementation of an urban plan are described in the Environmental Report. Monitoring itself does not start until much later.

The primary goal of the implementation of monitoring consists of the task to control forecasted results of the plan implementation, which are necessarily linked with uncertainties. If it turns out that the real development does not correspond to the forecasted consequences, this should not be to the detriment of the environment, but should rather be a trigger for a change. The consequences of the plan implementation, however, cannot be entirely controlled.

It is suggested to monitor the following impact on the environment resulting from the implementation of measures: *From the beginning of construction works, implementation of measures for green area development and prevention, minimisation and internal planning compensation such as the plant composition, soil sealing, use of porous layers, precipitation drainage, etc. shall be checked according to the plan.*

Not later than upon completion of infrastructure development, the implementation of measures for external compensation shall be examined. The functionality and continuous maintenance shall be regularly checked.

Source: Bebauungsplan „Gewerbegebiet Wängen“ – Scopingunterlagen (2008) (BP of Commercial Park Wängen – documentation of the scoping process)



## Selection of the SEA Report developer (Art. 10 LSEA)

The elaboration of a SEA Report may be commissioned to a legal entity with appropriate credentials, registered to provide services in the area of spatial and urban planning.

The authority in charge of the preparation of the plan conducts the selection procedure for the SEA developer in accordance with the Law on Public Procurement ("Official Gazette of the RS", No. 124/12) for all plans financed from budgetary funds in terms of the law regulating the budgetary system, or by direct selection for plans financed by legal entities or entrepreneurs from their own funds.

Documents for the procedure of developer selection need to be prepared based on the results of the scoping, and, possibly, based on the prepared structure of the SEA Report, in case it was agreed upon in the scoping stage.

As a rule, in order to minimize the possibility of a conflict of interest, different developers are selected for the elaboration of the plan and the elaboration of the SEA Report.

The competent planning authority shall decide on selection of the strategic assessment report developer in accordance with the procedure set forth by the Law.

The strategic assessment report developer can be legal or natural person inscribed in the appropriate registry as entitled to execute activities related to spatial and urban planning and elaboration of plans and other development documents.

Legal or natural persons referred to in Par. 2 of this Article are entitled

to establish the multi-disciplinary team composed of persons qualified for analyses of each of the strategic assessment elements that shall elaborate the strategic assessment report.

Persons with University degree of the appropriate profile and with at least 5 years of work in the certain field, or with professional results, i.e. participation in at least two plans and programmes that have already been realised are considered qualified for the elaboration of the strategic assessment report.

### SELECTION OF THE SEA DEVELOPER

*Art. 10 of the Law on Strategic Environmental Impact Assessment*

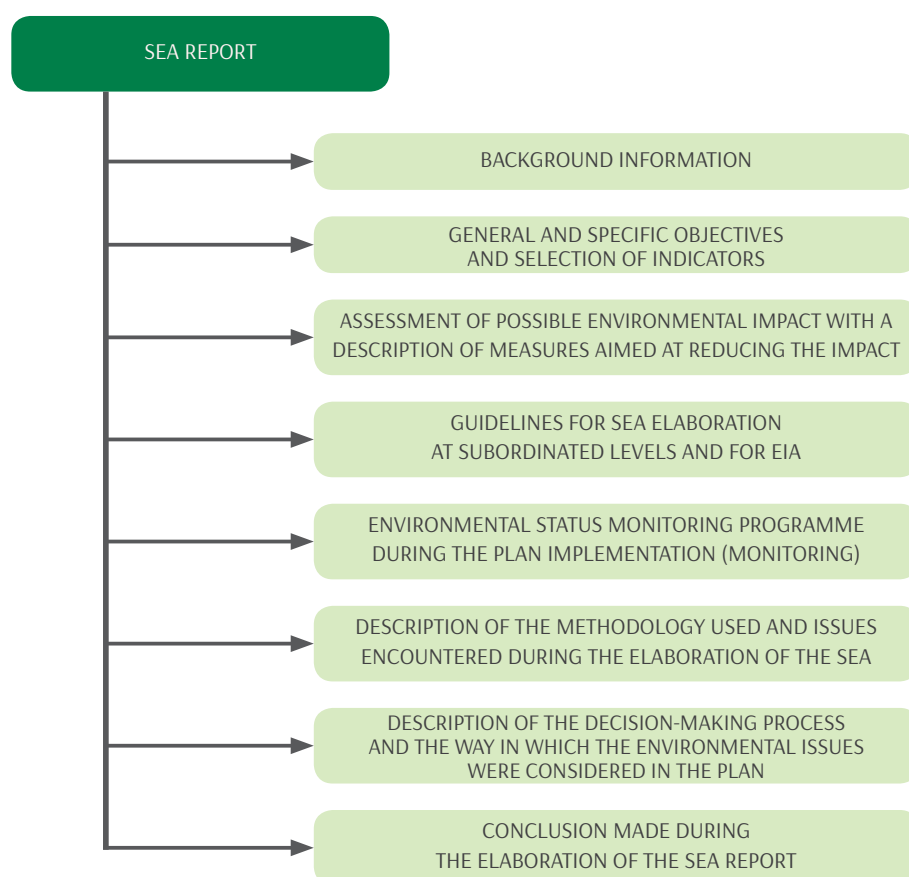
## 2.3 SEA Report (Art. 12 – 17 of the LSEA)

*The SEA Report is elaborated simultaneously with the urban plan. The report needs to be appropriately elaborated in terms of content and topic, but also as precise and brief as possible.*

The SEA Report is the main document of the SEA process. As well as the plan, the SEA Report is an independent document which provides a presentation of the process and results of the SEA. The elaboration of the report as well as the process of assessment of the environmental impact must be running simultaneously with the elaboration of the plan. The aim of the SEA is to evaluate the proposed planning concepts as well as possible alternative solutions in terms of the expected, possible impact on the environment and environmental protection measures.

The scope and level of detail of a SEA report are adapted to the scope of the plan in question (GUP, GRP, DRP); however, the report is expected to contain clear and precise guidelines and measures for protection of space and environment, which have to be incorporated into the plan. The SEA Report must be free of ambiguities, clear, and easily comprehensible for all involved stakeholders (professional and general public).

GRAPH 4  
Structure of the SEA Report according to the LSEA







The elaboration of the plan and the elaboration of the SEA must be mutually coordinated and simultaneous. The results of the SEA Report shall be incorporated in the plan, while the report is subject to approval of the authority responsible for environmental affairs. The graph presents the basic structure of the SEA Report according to the requirements laid down in the LSEA.

The base for the detailed elaboration of the SEA Report comprises: the scope defined by the decision on SEA elaboration (i.e. scoping), the elements stipulated in the Art. 13-17 of the LSEA and the Annexes I and II of the Law.

During the elaboration of the SEA Report, particular attention needs to be paid to the type of the urban plan, envisaged changes in space, as well as to expected changes in the environment. Guidelines for lower hierarchical levels and general and special environmental protection measures are defined in accordance with these. This guide contains clarifications for characteristic parts of the report, while the chapter 3.1 presents an example for the Terms of Reference in a SEA procedure (from the elaboration of a DRP in Despotovac in 2013), in which the requested content is described in detail. These Terms of Reference also present a model for the SEA Report adapted to the procedure of urban plan elaboration.

### **2.3.1 Content of the SEA Report (Art. 12 of the LSEA)**

In accordance with the LSEA, the structure and the content of the SEA Report are identical for all types of urban plans. The level of detail regarding environmental protection guidelines and measures is defined – besides upon the expected environmental impact – according to the type of the plan. Due to the spatial reach, timeline and the way of implementation, the SUP Reports of GUPs contain general and specific objectives, indicators, guidelines for hierarchically subordinated plans and general environmental protection measures. Apart from the general and specific objectives, indicators, and instructions for subordinated plans, the SEA Report of a GRP also contains special measures to minimise negative effects on the environment and environmental protection measures targeting the planned land use and changes in space. The SEA Report for a DRP contains mandatory and specific measures for prevention and minimisation of negative impact, as well as environmental protection and monitoring measures.

## CONTENT OF THE SEA REPORT

### Model for the content of the SEA report

Articles in the Serbian LSEA are given in brackets  
("Official Gazette of the RS", No.135/04, 88/10)

#### 1. INTRODUCTION

- 1.1 Background information and goals of the SEA (Art. 13 (1))
- 1.2 Short presentation of the content and goals of the plan and its relation to other plans (Art. 12 (2) , Art. 13 (1))
- 1.3 Questions and issues related to the environment deliberated in the plans and programmes and statement on reasons to omit individual questions and issues from the procedure of environmental assessment (Art. 13 (4))
- 1.4 Results of previously conducted consultations with authorities and organisations concerned (Art. 13 (6))

#### 2. DESCRIPTION AND ASSESSMENT OF ENVIRONMENTAL IMPACT

- 2.1 Presentation of the status quo and the quality of the environment in the area covered by the report, including a presentation of environmental characteristics in areas which will most likely be exposed to a significant impact (Art. 13 (2), Art. 13 (3), Art. 12 (9))
- 2.2 Assessment of possible impact on the environment resulting from the implementation of the plan (Art. 12 (3))

#### 3. MEASURES FOR PREVENTION, LIMITATION AND COMPENSATION OF NEGATIVE IMPACT ON THE ENVIRONMENT

- 3.1 Measures for prevention, limitation, and compensation of harmful impact on the environment (Art. 12 (3))
  - 3.1.1 Prevention and limitation (Art. 12 (3))
  - 3.1.2 Compensation

#### 4. ALTERNATIVE SOLUTIONS

- 4.1 Alternative solutions, including the alternative of not implementing the plan (Article 13 (5))

#### 5. RECOMMENDATIONS FOR SUBORDINATED PLANS AND PROGRAMMES

- 5.1 Guidelines for the elaboration of the SEA for subordinated plans and EIA for projects (Art. 12 (4))

#### 6. DESCRIPTION OF METHODS APPLIED AND INDICATION OF PROBLEMS OCCURRED IN THE SEA PROCESS AND THE LACK OF DATA

- 6.1 Description of the methodology used and issues encountered during the elaboration of the SEA (Art. 12 (6 and 7))

#### 7. MONITORING

- 7.1 Defining the environmental status monitoring programme during and after the implementation of the plan (Art. 12 (5))

#### 8. NON-TECHNICAL SUMMARY

- 8.1 Non-technical summary of information presented in the aforementioned chapters (Art. 12 (8))



### 2.3.2 Background information (Art. 13 of the LSEA)

The first part of the SEA Report is used to present the background information (basis and goals) for the SEA. Pursuant to Art. 13 of the Law, these are:

- A short outline of the content and objectives of plans and programmes and their relationship with other plans and programmes;
- An outline of the current status and quality of the environment in the area the report refers to;
- Environmental protection issues and problems which have been considered in plans or programmes and an outline of reasons for omission of certain issues and problems out of the assessment procedure;
- An outline of prepared alternative solutions related to the environmental protection in plans and programmes, including the zero alternative solution of not implementing the plan or programme and the most favourable alternative solution from the standpoint of environmental protection;
- Results of previous consultations with authorities and organisations concerned which are relevant from the standpoint of objectives and evaluation of potential impact of the strategic assessment.

A short outline of the content and objectives of the plan comprises a presentation of the scope and the boundaries of the planning area, subject of the plan, objectives and tasks of the plan, as well as the content of the plan for which a SEA is conducted. Further, the report gives information about the **relationship with other plans and programmes**, which practically means that the report shall state elements of interest for the area of environmental protection from superordinate plans and the most important strategic documents.

In the next step follows an **outline of the current status of the environment** in the area the report refers to. This is a mandatory and very important part of the report, because characteristics of the current environmental situation shall be taken as a base for any further environmental research in a certain area.

After the analysis of the current situation, characteristics of the environment in the areas which are likely to be exposed to impact are presented. In the following part, it is necessary to **deliberate environmental issues and problems**, i.e. rational use and protection of space in the plan. If there is such a need, this part should also contain a presentation of reasons for omitting certain issues and problems out of the SEA procedure.





Photo: AMBERO

The SEA Report contains an outline of **alternative solutions** related to environmental protection in the plan. It is necessary to deliberate the alternative of not adopting and implementing the plan (development continues according to the current trend) and the alternative of adopting and implementing the plan (development continues according to the plan). The discussion on alternative solutions is a very important step in the SEA process, necessary to enable the selection of the most favourable solution from the standpoint of environmental protection.

At the end of this part of the SEA process, it is necessary to provide the results of **previous consultations with authorities and organisations concerned** which are relevant for the definition of goals and the assessment of possible impact of the plan. For that purpose, consultations with representatives of authorities and organisations shall be carried out and relevant planning and environmental conditions obtained from competent utility and public companies.

The SEA Report may only contain information which may be obtained upon investment of reasonable material resources and time. Here it is necessary to take into consideration the following:

- Contemporary level of know-how,
- Generally familiar positions of the public or those of competent bodies, and
- Content and level of detail of the plan.

*If objectives and indicators have not been determined in the scoping stage, the developer of the SEA Report has to define and clarify these goals. This needs to be done in cooperation with the authorities in charge of environmental protection.*

### **2.3.3 General and specific objectives and selection of indicators (Art. 14 of LSEA)**

For a successful SEA process, it is exceptionally important to define objectives and indicators for environmental protection in an appropriate manner. The definition of SEA goals and the determination of the framework for selecting a set of indicators to be used in the elaboration of the SEA report needs to follow the examination of general characteristics of the urban plan, which was already mentioned in the previous chapter.

Environmental protection objectives and indicators relevant for the elaboration of the plan may be identified as early as in the scoping stage. Within the SEA Report, objectives and indicators need to be presented and briefly described. In case that during the elaboration of the report or due to the further concretisation of the plan there is a need to do so, they may also be complemented or modified.

The following may be taken as a base for the selection of objectives:

- Environmental protection objectives defined by international conventions and agreements,
- Environmental protection objectives stipulated by the national legislation and strategic documents,
- Objectives and provisions aimed at environmental protection from other plans and programmes, and
- Data, issues or problems related to the planning area.

Here, attention must be paid to the fact that international environmental protection objectives are frequently taken over and incorporated into national environmental protection strategies. National objectives and strategies of environmental protection are, as a rule, implemented within hierarchically subordinated plans and programmes.

Indicators are derived based on objectives and should be based on available data.

The baseline for the selection of indicators should be set by the basic set of UN indicators of sustainable growth, based on the concept: *Pressure – State – Response*.

- *Pressure* – human activities, phenomena and processes which affect the environment,
- *State* – denotes the condition of the environment,
- *Response* – indicators defining political options and other reactions aimed at changing consequences for the environment.

The Law on Strategic Environmental Impact Assessment of the Republic of Serbia

*Environmental protection objectives and indicators should not be simply taken over from other SEA Reports, as they depend on individual characteristics of the subject area.*

Photo: AMBERO





TABLE 5  
Sustainable development goals and indicators

NO.	SUSTAINABLE DEVELOPMENT GOALS	INDICATORS
1.	Minimisation of air emissions of harmful substances	Number of days with surpassed marginal values of emissions of harmful substances Emissions of CO <sub>2</sub> , SO <sub>2</sub> and HO <sub>x</sub> , soot and particulate matter
2.	Minimisation of the level of population exposed to polluted air	Number of days with surpassed marginal values of imission of harmful substances
3.	Minimisation of population exposure to increased noise levels	Exposure to noise/surpassing of the prescribed level in dB Number of residential facilities in the protective belt along main roads
4.	Preservation and promotion of quality of surface and groundwater	Biochemical oxygen demand BOD5 Maintenance of the prescribed quality of water courses % od wastewater treated
5.	Minimisation of the flood risk	% of areas threatened by floods
6.	Increasing the areas covered in greenery	% of green areas
7.	Minimisation of contamination and soil erosion	% of contaminated soil
8.	Promotion of the waste collection, treatment and disposal	% households with acces % of treated waste % of waste disposed at an organized landfill
9.	Establishment of a suitable site for the future sanitary landfill	Appropriate site
10.	Minimisation of greenhouse gas emissions	CO <sub>2</sub> emission
11.	Promotion of energy efficiency	% of consumption of sources of energy
12.	Minimisation of non-renewable energy sources	% of consumption of oil and crude oil
13.	Preservation of biodiversity and natural assets and promotion of landscape	Number and area of protected natural assets and landscape units
14.	Promotion of efficiency of protection of immovable cultural assets	Number and quality of protected immovable cultural assets
15.	Mitigation of the negative impact of development on demographics and settlements	% of decrease in the number of population
16.	Promotion of health of the population	% of population with access to proper systems for collection and treatment of waste waters % of population included in the waste collection system % of population with access to primary healthcare institutions
17.	Employment growth	% of the employed % of the unemployed
18.	Promotion of the environmental protection and monitoring services	Number of development programmes in the environmental protection sector Number of employees in local environmental protection office Number of measuring stations to monitor the condition of the environment
19.	Promotion of public information in the area of environmental protection	Number of news items on the environment in mass media

Source: Rulebook on the National List of Environmental Protection Indicators ("Official Gazette of the RS", No. 37/11)

stipulates in Art. 14 that the general and specific objectives of environmental assessment shall be defined on the basis of environmental protection goals of other international and national plans and programmes, and that the appropriate indicators shall be developed according to that. The table 5, in addition to the environmentally relevant goals, also includes sustainable development goals, which are not necessarily environmentally relevant, such as “employment growth”. The authors want to suggest that it is not the task of the SEA to include the environmentally nonrelevant goals in the environmental assessment. These issues should be considered within the elaboration of the urban plan and not involved in the SEA process i.e. elaboration of the SEA Report. A/N.

### 2.3.4 Assessment of potential impact (Art. 15 of LSEA)

When it comes to the work methodology, i.e. methods to be used in impact assessment, the law does not contain any provisions in this regard. Practically, developers of the SEA Report have the right to choose the appropriate methodology to assess the impact on the environment.

While developing a SEA Report, it is necessary to select such measures for evaluation and such methods to determine and evaluate the impact of the plan which could allow for determination of all significant impacts of the plan on the environmental protection goals to the greatest possible extent; these impacts have to be also evaluated in an appropriate way.

Environmental impact assessment may be presented in writing as a text, table, or a combination of the two. The presentation in form of an assessment matrix is frequently chosen: here, one side of the matrix presents different environmental factors assessed in view of the planned measures given on the other side. The alternative of not implementing the plan also needs to be presented, as well as other alternative solutions.

LSEA prescribes that a SEA Report must comprize the folowing elements:

- The outline of the assessed impact of plans and programmes on the environment with the description of measures aimed at preventing and limiting the adverse or increasing positive effects on the environment;
- The way in which the environmental elements have been taken into consideration in the impact assessment, including the data on: air, water, soil, climate, ionising and non-ionising radiation, noise and vibrations, flora and fauna, habitats and biodiversity, protected natural

resources, population, human health, cities and other settlements, cultural and historic heritage, infrastructure, industrial, and other structures or other man-made values;

- The way in which the following impact characteristics have been taken into account: probability, intensity, complexity/reversibility, time dimension (duration, frequency, reversibility), spatial dimension (location, geographical area, size of the exposed population, transboundary nature of the impact), cumulative and synergistic nature of impact.

#### ELEMENTS OF THE SEA REPORT

*Art. 15 of the Law on Strategic Environmental Impact Assessment*

It is very important to note that the methods used need to be oriented toward the implementation of the planning concept, not technological solutions. Experiences from several countries have shown this. Unlike the EIA for projects, SEA need to be planning-oriented and must take planning concepts as the base for implementation of sustainable development and environmental protection goals.

EIA is more technologically oriented with the aim to define protection measures for implementing projects (not plans) and in the course of works, in order to reduce certain negative effects within the legally prescribed limits (i.e. MVE, MVI).

### 2.3.5 Alternative solutions and measures aimed at limitation of impact on the environment

Examination of alternative solutions is the basic part of any SEA process in accordance with Art. 15 (2) (1 and 2) of the LSEA, and deserves a separate chapter within this guide. Alternative solutions which need to be assessed from the standpoint of environmental protection are established in the scoping stage. In case if during the planning process other options come up, they should also be taken into consideration within the assessment.

In the SEA Report, it is necessary to present all favourable alternative solutions and assess which need to be deliberated within the planning process. The zero alternative, i.e. development of the area in case if the plan is not implemented must be included. It is recommendable firstly to state and then to assess alternative solutions within the SEA Report. In the end it should be explained why a certain alternative solution has priority from the standpoint of environmental protection.

TABLE 6  
Examples of alternative planning solutions and site selection –  
an example from German practice

ALTERNATIVE SOLUTIONS	FNP	BP
Alternative solutions for site selection	In case available area is provided, alternative solutions need to be examined	Most frequently nonexistent on this level. Note on examination of alternative solutions for the site selection in the superordinate planning document may be sufficient.
Alternative planning solutions	<ul style="list-style-type: none"> <li>– Different construction types</li> <li>– Different alternatives of spatial organisation so as to enable, for instance, noise protection,</li> <li>– Traffic development alternatives</li> <li>– Energy supply alternatives</li> </ul> <p>APPLICABLE ON BOTH PLANNING LEVELS</p>	



In case that alternative solutions, for instance regarding the site selection, have already been examined within previous planning processes or some other evaluation measures such as comparative site analysis, it is sufficient to note it (differentiation).

Alternative solutions should be examined only in case that reasonable alternative solutions really exist. If this is not the case, so the alternative solutions cannot be examined, this must be explained and justified in the SEA Report.

In addition to the assessment of environmental impact, the SEA Report shall stipulate measures for limitation and compensation of the expected impact, i.e. keeping such impact within acceptable limits as defined by legal regulations, taking into account the capacity of the environment in the subject area.

For example, it is possible to propose the preservation of individual trees which need to be protected during construction works or to limit the soil sealing to the greatest extent possible.

Such measures are defined by the urban plan and realised while implementing the plan. Here it has to be noted that some protective measures, such as, for instance, structures aimed at noise protection, may have negative impact themselves.

### 2.3.6 Compensation

In Serbian legislation, except for the Rulebook on Compensation Measures in Protected Areas ("Official Gazette of the RS", No.20/10), there are no regulations which define compensation measures for negative environmental impact of urban plans. Measures for compensation or replacement for the loss of environmental functions may be implemented voluntarily in order to compensate negative environmental impact and increase the acceptance of construction projects.

In terms of time, compensation measures may be implemented directly after occurrence of the harmful impact at the source or in its immediate vicinity, so that this is justified in „spatial and functional“ terms. For example, the disappearance of an orchard may be compensated for by planting a new orchard or planting hedges and shrubbery in the vicinity of the former orchard. Alternatively, soil sealing which occurred due to the construction of a new street may be compensated for by diminishing the already covered surface in the vicinity.

*Negative impact on the environment which cannot be avoided shall be compensated.*



If it is not possible to implement compensation measures within or in the vicinity of the planning area, it is possible to implement „non-functional measures“ so as to compensate for the lost function of the natural area. For example, the sealing of soil through construction of a new street or a house may be compensated for by development of an artificial lake, or already developed land may be cleared to compensate for the lost trees.

In case there is no suitable area in the vicinity, compensation may be achieved without „spatial and functional“ justification.

In such a case, a new orchard may be planted at a site far from the former orchard, or the disappearance of the same orchard may be compensated for by recovery of a remote rivulet or by clearing developed and sealed land at a remote site.

The answer to the question which measures for remediation and compensation should be implemented depends on the characteristics of the natural area and the protection concept. The following measures are possible:

- Development of networks of related biotops,
- Development of new or valuation of the existing wet biotops such as lakes, marshes, wetlands, etc.,
- Development of new or valuation of the existing dry biotops and sites with soils depleted of nutrients,
- Renaturation of water courses,
- Hedge and shrubbery planting,
- Targeted development of habitats for endangered plant and animal species,
- Elimination of forest trees non typical for the area, etc.

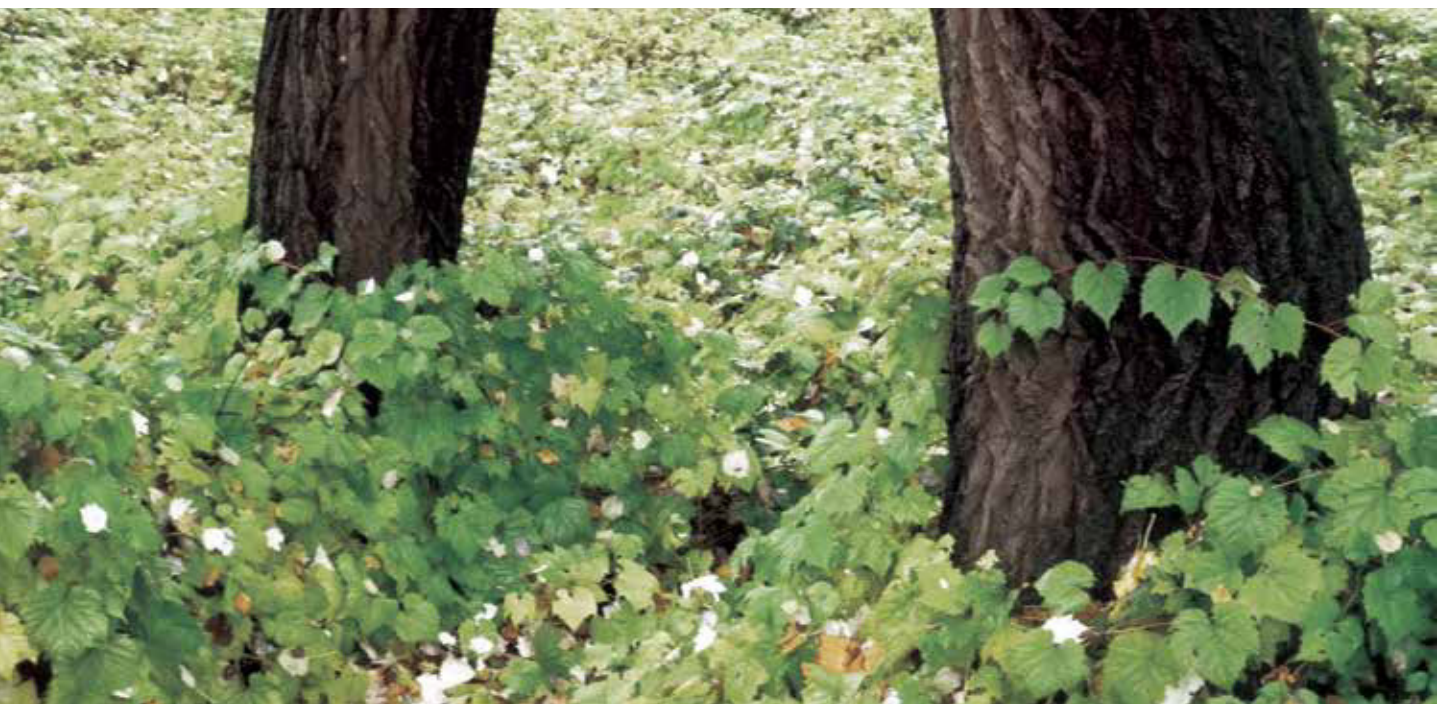


Photo: AMBERO



### **2.3.7 Guidelines for lower hierarchy levels (Art. 16 of the LSEA)**

The SEA Report needs to formulate guidelines for subordinate plans. According to the Serbian planning system, such guidelines should be defined in General Urban Plans and General Regulation Plans. These plans, on their part, need to take into account guidelines from spatial plans of higher order.

Guidelines define the need to compose SEA and EIA for projects, determine environmental protection aspects and other issues relevant for SEA of subordinate plans and define which environmental protection aspects and goals need to be taken into account during the elaboration of a subordinate plan.

Apart from this, it is also possible to determine impact on the environment which does not have to be reconsidered, or at least not reconsidered into great detail at the hierarchically subordinate level.

### **2.3.8 Monitoring programme – monitoring of potential negative impact on the environment (Art. 17 of the LSEA)**

If significant negative environmental impact is to be expected, the SEA Report needs to anticipate and describe measures for environmental monitoring. The aim is to monitor the impact on the environment in the course and upon completion of construction works and, if necessary, undertake remedial measures.

The monitoring measures need to be in line with the specific needs of each individual plan. In case of an insignificant harmful impact on the environment, monitoring might not be necessary, while in the case of significant impact, such as, for instance, planning of an industrial area with potential sources of emissions, comprehensive environmental monitoring measures might be necessary.

Monitoring needs adequate and simple indicators which enable feedback on potential impact on the environment. It is possible to differentiate between impact resulting from use, external impact and impact caused by construction.

Same as the concept of environmental impact assessment, the concept of monitoring may be based on different environmental factors. Here, it is necessary to answer to the following questions: **what** is monitored, **who** monitors and **how** monitoring is conducted.

*Measures for monitoring the environmental status have be defined when a plan has direct or indirect impact to the environmental network area (Bylaw on Environmental Network, “Official Gazette of the RS”, No. 102/10).*



Photo: AMBERO

Monitoring is usually conducted by the local self-government, while in case of more complex measures it might be necessary to include bodies of higher level of hierarchy (regional or national). In case there is already an existing monitoring structure (monitoring stations), it should be used. In general, it is possible to transfer monitoring tasks to the project contractor.

In case that the SEA Report describes significant negative environmental impact, local self-governments are obliged to monitor these impacts, i.e. elements of the environment which may be under such negative impact.

Monitoring should facilitate the collection of information about environmental impact over a long period of time. Apart from this, it should be monitored whether the forecasts were correct, whether the unexpected negative environmental impact has occurred, and whether the measures aimed at minimisation of negative impact were successful, that is sufficient.

Monitoring should be discussed as early as possible in the scoping stage and presented in the SEA Report. The report defines which significant negative environmental effects need to be monitored, and which methods and indicators should be used for that.

The local self-government, as the responsible for the planning process, determines which monitoring measures will be implemented, over which period of time, in what manner, and by whom. Monitoring does not need to be very time or energy consuming (also described in the chapter SEA Report).

The monitoring process shall be documented through the monitoring report. This report may be prepared as a simple table.

## „UNFORESEEN EFFECTS“ IN THE SEA DIRECTIVE

The term „unforeseen effects“ is used in the EU Directive on SEA. As this term in Serbian language may be subject to misunderstanding, in this text we shall speak about possible or potential impact on the environment.

The EU Guidance on the implementation of the SEA Directive (2001) offers the following assistance in interpretation: *„Monitoring has to cover the significant environmental effects. These cover in principle all kinds of effects, including positive, adverse, foreseen and unforeseen ones.“* (page 44), while *„Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g. regarding the predicted intensity of an environmental effect) or unforeseen effects resulting from changes of circumstances, which have led to certain assumptions in the environmental assessment being partly or wholly invalidated.“*

The study “Study concerning the report on the application and effectiveness of the SEA Directive” (2009, p. 81) states: *“It follows that both the text of the Directive and the SEA Guidance leave several issues related to monitoring and implementation unclear. Much is left to the discretion of Member States, which in effect creates uncertainties in practical application of Article 10 of the SEA Directive.”*

1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.

**MONITORING**  
*Art. 10 of the EU Directive 2001/42/EC of the European Parliament and the Council of Europe*

The programme of monitoring of the status of the environment during the implementation of plans and programmes shall consist of the following in particular:

- 1) The description of objectives of plans and programmes;
- 2) The environmental status monitoring indicators;
- 3) The rights and obligations of competent authorities;

- 4) Acting in case of unexpected adverse effects;
- 5) Other elements depending of the type and scope of the plan and programme.

The environmental status monitoring programme referred to in Par. 1 of this Article can make an integral part of the existing monitoring programme provided by the competent environmental protection authority.

**ENVIRONMENTAL STATUS MONITORING PROGRAMME**  
*Art. 17 of the Law on Strategic Impact Assessment*

TABLE 7

Model of the environmental protection measures monitoring programme developed according to corresponding regulations in Serbia

	WHAT IS MONITORED? (INDICATOR)	WHO MONITORS? (COMPETENCE)	WHEN TO MONITOR? (FREQUENCY)
<b>AIR<sup>1</sup></b>	Concentration of: <ul style="list-style-type: none"> <li>– Sulphur dioxide,</li> <li>– Nitrogen dioxide and nitrogen oxides,</li> <li>– Particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>),</li> <li>– Lead,</li> <li>– Benzene,</li> <li>– Carbon monoxide,</li> <li>– Ground level ozone,</li> <li>– Arsenic,</li> <li>– Cadmium,</li> <li>– Mercury,</li> <li>– Nickel,</li> <li>– Benzo (a)pirene</li> </ul>	Operators within each individual operating and industrial complex Competent authority of the local self-government unit Environmental Protection Agency	Periodically – upon request of the competent authority Continually
<b>WATER</b>	<b>QUALITY OF WASTEWATER</b>		
	<b>Municipal wastewater<sup>2</sup></b> Chemical oxygen demand Particulate matter Biological oxygen demand pH value Water temperature Total number of coliformous bodies <b>Technological wastewater</b> Wastewater is monitored depending on the technology applied within each individual complex	Operators within each individual operating and industrial complex Local public utility company	Depending on the amount of waste waters at the point of release (l/s)
	<b>QUALITY OF GROUNDWATER</b>		
	Serbian Water Quality Index (SWQI) <sup>3</sup> <ul style="list-style-type: none"> <li>– Temperature</li> <li>– pH value</li> <li>– Electric conductivity</li> <li>– Oxygen saturation</li> <li>– Biological oxygen demand</li> <li>– Particulate matter</li> <li>– Total nitrogen oxides</li> <li>– Orthophosphates</li> <li>– Ammonia</li> <li>– Coliform bacteria</li> </ul>	Environmental Protection Agency	12 times a year
	<b>QUALITY OF POTABLE WATER<sup>4</sup></b>		
	Microbiological properties Biological properties Physical and chemical properties Physico-chemical properties Radiological properties	Serbian Health Institute „Milan Jovanović Batut“ Public health institutes	Once a year
	<b>COVERAGE BY HYDRO-TECHNICAL INFRASTRUCTURE<sup>5</sup></b>		
	Percentage of population with access to the public sewage system Percentage of households with access to a waste water treatment plant	Local public utility company	Once a year



<b>SOIL</b>	Concentrations of hazardous (Cd, Pb, Hg, As, Cr, Ni, F) and harmful (Cu, Zn, B) substances in the soil <sup>6</sup>	Soil institutes Competent Ministry Faculty of Agriculture Environmental Protection Agency	Once every three years
	Content of organic carbon in soil <sup>7</sup>	Soil Institute Belgrade Competent Ministry Schools of agriculture Environmental Protection Agency	Once every three years
<b>NOISE</b>	Noise level in the environment in daytime and nighttime	Legal entity or entrepreneur (owner/user of the source of noise) Competent authority of the local self-government	Monthly and annual reports
<b>BIODIVERSITY</b>	DIVERSITY OF SPECIES <sup>8</sup>		
	Number of plant species Number of animal species Number of fungal species	Competent Ministry Serbian Nature Protection Institute Environmental Protection Agency NGOs	Once every three years

1 Bylaw on Conditions for Monitoring and Requests for Air Quality („Official Gazette of the RS”, No. 11/10 and 75/10)

2 Rulebook on the Manner and Minimum Number of Tests of Wastewater Quality („Official Gazette of the RS”, No. 47/83 and 13/84)

3 <http://www.sepa.gov.rs/index.php?menu=6&id=8007&akcija=showXlinked>

4 Rulebook on Hygienic Adequacy of Potable Water („Official Herald of FRY”, No. 42/98 and 44/99)

5 Rulebook on the National List of Environmental Protection Indicators („Official Gazette of the RS”, No. 37/11)

6 Rulebook on Permitted Amounts of Hazardous and Harmful Substances in Soil and Water for Irrigation and Methods of their Testing („Official gazette of RS” No. 23/94)

7 Rulebook on the National List of Environmental Protection Indicators („Official Gazette of the RS”, No. 37/11)

8 Rulebook on the National List of Environmental Protection Indicators („Official Gazette of the RS”, No. 37/11)



## Environmental monitoring in urban planning – an example from German practice – FNP with an integrated LNP

### ENVIRONMENTAL MONITORING

#### SETTLEMENT DEVELOPMENT:

From the standpoint of the settlement development, it is not necessary to conduct monitoring, as the design of the planned residential space in the FNP does not result in any direct impact on the environment.

#### WIND ENERGY:

Upon construction of the first permitted plants, it should be examined whether construction of a range of new plants could result in significant unforeseen impact on the environment in regard to the landscape. Impact on the landscape is examined through on-site examination and photo records. Parts of the landscape which need to be examined are identified depending on the site of the wind turbine.

Source: Umweltbericht in der Praxis (2007) (*Environmental Report in Practice*)

## Measures for environmental monitoring in urban planning – an example from German practice, modification of an BP in Laupheim

ENVIRONMENTAL ASPECT	OBJECT	TIMELINE
Flora and fauna	Planting measures	Once a year, upon completion of the construction works once every 5 years
Land	No unnecessary land occupancy	Once a year, upon completion of the construction works once every 5 years
Water	Precipitation collection pool	In line with legal provisions
Climate/air	No special measures needed	–
Humans, cultural and material assets	No special measures needed	–

[http://stadtplanung.laupheim.de/BPL2/B-Plaene/9-07/Texte/UP\\_Wiesaecker.pdf](http://stadtplanung.laupheim.de/BPL2/B-Plaene/9-07/Texte/UP_Wiesaecker.pdf)

## 2.4 Decision-making procedure (Art. 18-24 of the LSEA)

The EU Directive on SEA prescribes consultations with representatives of competent environmental protection authorities, the public, and, if necessary, adjoining states in case of a transboundary impact. Such consultations shall be based on the draft plan and the SEA Report.

The competent planning authority shall enable participation of authorities and organisations concerned as well as the public (citizens) in the procedure of obtaining approval for the SEA Report, as stipulated by Law.

The results of the consultations must be taken into consideration when making a decision on the planning concept prior to the finalisation of the plan. Here, it is not sufficient to be merely familiar with the obtained opinions or results of the SEA Report, but is necessary to interpret into detail the content of these documents.

The LSEA does not stipulate in which way the SEA Report and the results of the consultations shall be integrated during development and prior to adoption of the plan, as prescribed by the EU Directive (Art. 9 of the EU Directive on SEA).

The aim of this procedure is to, if possible, contribute to the quality improvement of the plans in regard to environmental protection and human health. This is the reason why this guide treats this topic in view of the provisions of the EU Directive on SEA.

### GRAPH 5

Scheme of the decision-making procedure according to the LSEA

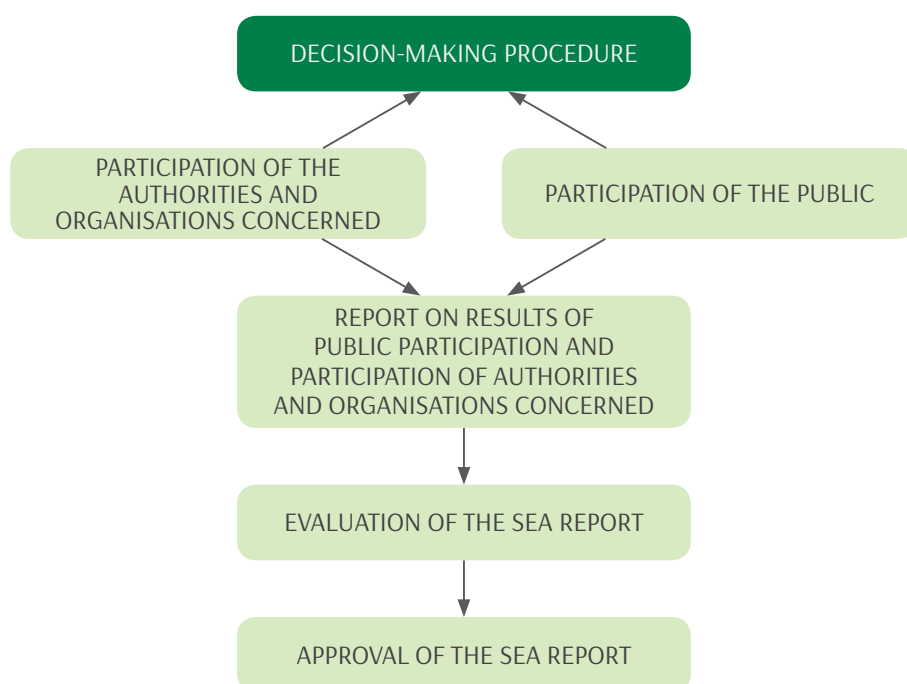




Photo: AMBERO

### 2.4.1 Consultations of authorities and organisations concerned, public and transboundary consultations (Art. 18-20 and 23 of the LSEA)

#### Participation of authorities and organisations concerned (Art. 18 of the LSEA)

According to Art. 18 of the LSEA, the competent planning authority shall submit the SEA Report to the authority responsible for environmental protection and other concerned authorities and organisations, requesting their opinion within the period of 30 days. If the opinions are not supplied within this period, it is deemed that there are no objections to the report.

#### Public participation (Art. 19 of the LSEA)

Prior to the final evaluation of the SEA Report, LSEA, but also LEP, prescribe the involvement of the public into the process. Public participation in the deliberation of the SEA Report, as provided by law, is performed during the procedure of public inquiry into the plan. The competent planning authority uses media to inform the public on the method and deadlines for getting an insight into the report as well as on the place, time and the way in which the public debate shall be organised.

Public participation is achieved through different techniques (advertising, public inquiry, information), as prescribed by the LSEA, LEP and LPC. Formal and procedural requirements for participation contribute to accountability and transparency of the procedure, help preserve interests of certain groups, but also achieve balance between the right of participants to directly participate and the need of authorities to facilitate development of an efficient planning framework and environmental protection measures.

#### PUBLIC PARTICIPATION

*Art. 81 of the Law on Environmental Protection*

The public has the right to, in accordance with the law, participate in the process of making decisions on SEA of plans and programmes to the environment, impact assessment of projects [...] and approval of operation of new, i.e. existing plants.

Public participation in terms of SEA is provided within the public inquiry into a spatial and urban plan, i.e. other plan and programme.

The public shall be informed about the decision-making procedure and the procedure of submitting opinions, comments and suggestions to the competent authority through a public advertisement, and shall be informed about the decision made in a timely manner.





The process of planning a new residential area in the Municipality of Despotovac included environmental assessment in 2 phases. In the first phase, a comparative location study with an integrated environmental assessment has been elaborated. Based on this study, the municipal authorities decided to elaborate a Detailed Regulation Plan for one of the two assessed locations. The base for the Detailed Regulation Plan and the integrated SEA was an urban design proposal. During the elaboration of the comparative location study, urban design and Detailed Regulation Plan were held several discussion groups, workshops and presentations with the main stakeholders – representatives of the local administration, members of the Planning Committee, representatives of public enterprises, local institutions and citizens.

A round table session with public companies (scoping) was organised at the very beginning of the planning process, so as to harmonize the planning conditions for the purpose of the plan and SEA development. This was followed by a workshop “Catalogue of choice” with citizens and stakeholders involved to discuss the topic of public areas, housing types, organisation of gardens, hedges and facades. The results of the citizen voting were included into the planning concept in an early planning stage – the pre-draft stage of the plan. The simultaneous development of the urban plan and SEA also implied joint public inquiry, so as to facilitate incorporation of protection measures into the draft plan. The plan was adopted in December 2012.

Source: GIZ/AMBERO-ICON Project “Strengthening of Local Land Management in Serbia”, 2012

## PUBLIC PARTICIPATION – an example from Serbian practice





Photo: AMBERO

## EARLY PARTICIPATION AND AWARENESS RAISING – an example from Serbian practice

In order to improve the tourism offer of Majdanpek in line with the principles of environmental protection and environmental valuation of space, a Feasibility Study for the area “Rajkovo” was made in 2011, while a Detailed Regulation Plan with an integrated SEA for the same area was completed before the end of 2012.

The area of Rajkovo, located by the Danube and the Lepenski Vir archeological site, presents a unique tourist offer of the Municipality of Majdanpek. The area encompasses four spatial units, including Rajkova Cave, an exceptional speleological and tourist attraction.

During an early stage of the planning and SEA process - development of the draft plan and preliminary report, a participatory event “Speak out” has been held in Serbia for the first time - school children, citizens, representatives of the local administration and institutions all took part in the event. Before the meeting with the citizens, a drawing competition was held in an elementary school in Majdanpek under the title “Hidden fortune of Rajkovo” and in the premises of the local administration a workshop on the topic “Geoscience”, where professors from University of Belgrade, Faculty of Geography, Dejan Filipović and Slavoljub Dragičević presented the principles of geoscience. Children’s drawings were exhibited at the workshop with the aim to inform the citizens about the ideas for development of the Rajkovo area and to provide them with an opportunity to publicly state their views and proposals through active participation.

Source: GIZ/AMBERO-ICON Project “Strengthening of Local Land Management in Serbia”, 2012.



Photo: AMBERO

Public participation contributes to understanding of sustainable development goals and measures and to developing active citizenship; it also contributes to the development of capabilities and social awareness, to development of new relations and replacement of power and resources in defining environmental protection measures; it facilitates recognition of interests and impacts, opens up the possibility of timely conflict resolution, and contributes to a more realistic and efficient planning.

In this way, apart from fulfilling the minimum formal requirements, new public participation techniques, corresponding to the level of involvement, different planning stages and aims of participation, were applied in urban development planning and development of the SEA Report.

Each level of participation is suitable for a situation in which certain results need to be achieved. Better quality results are obtained through application of multileveled participation techniques.

**TABLE 8**  
Levels, techniques and aims of participation

LEVELS OF PARTICIPATION (TECHNIQUES)	AIMS OF PARTICIPATION
<b>Information</b> (Advertising, Newsletters, Internet advertising, Exhibition panels, Conference, Info point ...)	Facilitates obtaining of objective and balanced information so as to understand the issue, alternatives, advantages and/or opportunities.
<b>Consultations</b> (Discussion group, Survey, Internet consultations, Choice catalogue, Public inquiry ...)	To obtain feedback information through direct work with participants, so as to make sure that perceptions and aspirations are understood and comprehended.
<b>Active participation</b> (Workshop, Design workshop, "World café", Visioning, Ideas competition, Round table, "Speak out" ...)	To achieve cooperation and partnership in all aspects of decision-making, including development of alternatives and identification of desirable solutions.
<b>Feedback information</b> (Reporting, Submission of written comments, Presentation, Publication of results, Internet feedback ...)	Provides all participants with the possibility to examine the manner in which their manners and suggestions were presented and included in the decision-making process Has impact on development of trust and mutual consideration.

Source: Vodič za participaciju u planiranju urbanog razvoja (Čolić i dr., 2013) (*Guide for Participation in Urban Development Planning (Čolić and oth., 2013)*)



## Transboundary consultations (Art. 23 of the LSEA)

In case the plan may have a significant negative impact on the environment of a neighbouring country, or a neighbouring country has additional questions related to the plan, the procedure of transboundary consultations shall be introduced. The Ministry in charge of environmental protection affairs is also in charge of conducting consultations in an transboundary context.

If possible, simultaneously with public information in our country, the following information should be forwarded to the competent authorities of the neighbouring states:

- The description of the plan together with all available information on environmental impact;
- The nature of the decision which should be adopted;
- The timeframe to the other state to submit its comments.

After adoption of the SEA Report, competent authorities of the other states need to be informed about the following:

- The content of the decision on adoption of the SEA Report;
- The methods applied in the environmental assessment procedure and results achieved during the elaboration of the report;
- The results of the consultations with authorities and organisations concerned; and
- The monitoring measures.

The “Protocol on SEA to the Convention on Environmental Impact Assessment in a Transboundary Context” (Espoo Convention of the UN Economic Commission for Europe (UNECE, 22008A1119(02)), which was adopted in 2008, regulates the SEA procedure in a transboundary context. In case both countries are signatories of the Protocol, consultations are carried out pursuant to the provisions of the Protocol.

### TRANSBOUNDARY CONSULTATIONS

*Art. 10 of Protocol on Strategic Environmental Impact Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (22008A1119(02) Espoo Convention)*

1. Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.
2. This notification shall contain, inter alia:
  - The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and
  - Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.





## Report on participation of authorities, organisations and public concerned (Art. 20 of the LSEA)

Upon conclusion of the public inquiry procedure, the competent planning authority compiles the report on participation of authorities, organisations and public concerned. The report contains all opinions of authorities, organisations and concerned submitted during the public inquiry procedure as well as all filed objections, suggestions and opinions. The report shall be compiled within 30 days from the conclusion of the public inquiry procedure.

The report also contains the explanation of the SEA developer on acceptance, i.e. refusal of each individual opinion, objection, suggestion or proposal. The explanation may be presented as a table.

3. The affected Party shall, within the time specified in the notification, indicate to the Party of origin whether it wishes to enter into consultations before the adoption of the plan or programme and, if it so indicates, the Parties concerned shall enter into consultations concerning the likely transboundary environmental, including health, effects of implementing the plan or programme and the measures envisaged to prevent, reduce or mitigate adverse effects.
4. Where such consultations take place, the Parties concerned shall agree on detailed arrangements to ensure that the public concerned and the authorities referred to in Article 9, Paragraph 1, in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame.

## Report on conducted consultations – an example from German practice

No.	FILE FROM / DATE	OPINION	PROPOSAL BASED ON CONDUCTED CONSULTATIONS	TAKEN INTO CONSIDERATION	PARTLY TAKEN INTO CONSIDERATION	NOT TAKEN INTO CONSIDERATION	ACCEPTED
1	City transport company <i>Hamburger Verkehrsverbund</i> from 31 May 2011	We agree with the composed plan.	Suggestion taken into consideration.				X
2	Energy company <i>Schleswig-Holstein Netz</i> from 07 June 2011.	There are no obstacles for plan modification.	Suggestion taken into consideration.				X
3	IT company <i>Global Connect</i> from 24 June 2011	There is no infrastructure of Global Connect within the planning area. Line construction is not planned in the following period.	Suggestion taken into consideration.				X
4	Ministry of Science, Economy and Communications from 24 June 2011	From the standpoint of communications and road construction, there are no obstacles for the first modification of the plan provided the following items are taken into consideration: .....	Suggestion taken into consideration.				X
5	<i>Telekom</i> from 01 July 2011	<i>Telekom</i> telecommunication lines are located in the planning area and they may be seen in the plan attached.	In the text to follow, telecommunication lines will be presented in the graphic part of the plan in order to meet the legal requirements. Suggestion taken into consideration.	X			

Source: Bebauungsplan Nr. 218 Norderstedt 1. Änderung "Schützenwall-Süd" – Abwägungstabelle öffentliche Beteiligung, gekürzt. Beteiligung der Träger öffentlicher Belange nach §4 (1) BauGB – Stand 03.08.2011 (*BP No. 218 Nordstedt 1<sup>st</sup> modification – Table public participation, short version. Participation of relevant stakeholders in accordance with Article 4 (1) of the Federal Building Code – 3 August 2011*)

## 2.4.2 Evaluation and approval of the SEA Report (Art. 21-22 of the LSEA)

The competent planning authority shall submit the SEA Report, together with the report on participation of authorities, organizations and public concerned to the competent environmental protection authority for obtaining its approval. The criteria for the evaluation of the SEA Report are provided in Annex II of the LSEA. If needed, the competent environmental protection authority may, for the purpose of the evaluation of the report, obtain opinions of other authorized organisations or professionals, or establish an expert committee for the evaluation of the SEA Report.

*The plan may not be submitted to the further adoption procedure without the approval of the SEA Report.*

The competent environmental protection authority evaluates the SEA Report and grants approval or rejects the request for approval.

The competent planning authority may not continue with the further procedure of the plan adoption without having obtained the approval for the SEA Report by the competent environmental protection authority.

## 2.4.3 Taking into account the SEA Report and the results of the consultations

According to the EU Directive on SEA, the SEA Report adopted pursuant to Art. 5, opinions submitted pursuant to Article 6 and the results of transboundary consultations conducted pursuant to Article 7 are taken into consideration during the preparation and before the adoption of the plan. Based on the results of the consultations, presentations and evaluations of the SEA Report are checked and, if needed, corrected and complemented. The report needs not be modified, unless there are significant objections or comments.

Upon submitting the SEA Report and the results of the consultations, the plan may be completed. The results of the SEA Report and the consultations must be discussed in the planning process and, when possible, integrated into the plan. In case they are not taken into consideration or they are taken only partly, such decision must be separately justified.

### CRITERIA FOR THE EVALUATION OF THE SEA REPORT

*Annex II of the  
Law on Strategic  
Environmental Impact  
Assessment*

1/2

#### 1. Characteristics of the plan and programme:

- The way in which plan and programme objectives and contents are presented, the area for which the plan or programme is prepared and the time horizon;
- The ways in which the connections with other plans and programmes have been made.

#### 2. Background:

- The issues and problems related to environmental protection that have been considered during the elaboration of the SEA report have been presented;
- The reasons for the fact that certain issues and problems have

not been taken into consideration in SEA have been listed;

- The way has been described in which strategic assessment objectives have been defined and in which the corresponding indicators have been selected.

#### 3. Status of the environment :

- The environmental status description has been harmonised with the SEA objectives and indicators;
- Sources of data on the environmental status have been presented and the used methodology has been harmonised with the degree of the strategic assessment complexity.

## CRITERIA FOR THE EVALUATION OF THE SEA REPORT

### *Annex II of the Law on Strategic Environmental Impact Assessment*

2/2

#### 4. *Alternative solutions:*

- Method of preparation and consideration of alternative solutions for issues and problems related to certain environmental aspects has been presented;
- The non-execution alternative solution (“zero alternative”) for the plan and programme and alternative solution most favourable from the aspect of environmental protection have been prepared;
- Impact of alternative solutions on the environment have been evaluated and comparisons have been made;
- The reasons for selection of the alternative solution that is the most favourable from the aspect of environmental protection have been justified.

#### 5. *Environmental impact assessment:*

- Method of identification and evaluation of significant impact of plans and programmes on the environment has been presented;
- The following elements have been included in the impact assessment: (1) air; (2) water; (3) land; (4) climate; (5) flora and fauna; (6) habitats; (7) biodiversity; (8) landscape (natural amenities); (9) natural resources; (10) population and health; (11) cities and other settlements; (12) cultural and historic heritage; (13) infrastructural, industrial and other structures; (14) other man-made values;
- The following impact characteristics have been taken into consideration in the impact assessment: (1) probability; (2) intensity; (3) complexity/reversibility; (4) time dimension (duration, frequency, reversibility); (5) spatial dimension (location, geographical area, size of the affected population, transboundary nature of impact); (6) cumulative nature and synergistic nature of the impact; (7) other impact characteristics;
- Identification and evaluation of significant impacts have been harmonised with the valid standards, regulations and limit values;

- The applied methodology has been described.

#### 6. *Measures and environmental impact monitoring programme:*

- Measures of prevention and limiting of adverse impact, and increase of positive impact on the environment for each of the evaluated impact have been planned;
- Method of developing the guidelines for elaboration of environmental impact assessments and other strategic assessments has been presented;
- Environmental status monitoring programme has been prepared in accordance with Art. 17 of this Law.

#### 7. *Strategic Assessment Report:*

- The roles of competent authorities in the SEA elaboration has been clearly defined;
- The Report is prepared in a clear and precise way;
- All the elements of the report set forth in Article 12 of this Law have been considered and sources of information have been identified, including expert opinions;
- The way in which the environmental issues have been included in plans and programmes has been outlined as well as the way in which decision making process has been carried out and the reasons have been described that have been decisive in selection of the given plan and programme from the aspect of alternative solutions that have been considered;
- Conclusions on the strategic assessment report have been presented in the way understandable for public.

#### 8. *Participation of authorities, organisations and public concerned:*

- Participation of authorities and organisations and public concerned in the procedure of the strategic assessment elaboration has been provided;
- The opinions of authorities and organisations and public concerned related to the strategic assessment have been submitted and the decision-making process with respect of the submitted opinions has been presented.



## REPORT ON INQUIRY INTO THE SEA REPORT OF THE DRP FOR A REGIONAL WASTE MANAGEMENT CENTRE IN KIKINDA

Based on the decision for preparation of a Detailed Regulation Plan for the Regional waste management centre in Kikinda, it was necessary to conduct a process (“Official Journal of the Municipality of Kikinda”, No. 39/2012). [...] At the session held on 21 October 2013, the Planning Committee of the Municipality of Kikinda performed an expert examination of the SEA Report of the Detailed Regulation Plan for the regional waste management centre in Kikinda [...] On 20 November 2013, the Department for Housing and Utility, Urban Planning and Economy defined the text of the announcement for public inquiry into the SEA Report. The announcement was published in the newspaper “Kikindske” on 22 November 2013.

The announcement of the public inquiry into the Detailed Regulation Plan for the Regional waste management centre in Kikinda provided information about the place and time of the public inquiry into the SEA Report, the way in which the interested legal and natural parties could get information and submit objections to the Report. It also contained the information about the place and time of the public session of the Planning Committee, where natural and legal entities may justify the objections to the SEA Report for the Detailed Regulation Plan, submitted in writing, before the Committee. The public inquiry into the SEA Report was held from 26 November 2013 to 26 December 2013 in the premises of the Municipal Assembly of Kikinda, No. 12 Trg srpskih dobrovoljaca, in the conference hall and the office No. 71, on working days between 9 a.m. and 2 p.m., as well as on the website of the Municipality of Kikinda.

No party requested to examine the SEA Report during the public inquiry procedure. No objections were submitted, either in verbal form or in writing.

Source: Izveštaj o izvršenom javnom uvidu u Izveštaj o SPU PDR-a regionalnog centra za upravljanje otpadom u Kikindi (*Report on public inquiry into the SEA Report of the DRP for a Regional waste management centre in Kikinda*)

## REPORT ON PUBLIC INQUIRY INTO THE SEA REPORT – an example from Serbian practice

### 2.4.4 Integration of protection measures into the plan

The competent planning authority may not submit the plan for further procedure of adoption without having obtained the approval of the SEA Report by the competent environmental protection authority (Art. 2 of the LSEA). Environmental protection and monitoring measures must be integrated into the plan and present a base for control and monitoring of the environment during the process of plan implementation and realisation of the planned projects.

The plan shall be adopted at the session of the local assembly (municipality, city), published in the official paper of the local self-government, and made available to the competent authorities as well as to the public.



After the integration of the SEA-defined environmental protection measures into the plan, comes auditing and checking if the protection measures have been implemented in practice through examination of the status of all environment elements, environmental information and communication of all environment related factors.

According to the previous experiences, there are three different scenarios for integration of protection measures. In certain urban plans there is only the decision on the elaboration of the SEA and the reference to the link with the SEA process. In the second scenario, there is the decision on the elaboration of the SEA, further the definition of the general protection measures and an excerpt from the protection measures prescribed by the SEA Report. In the third scenario, the whole chapter of the SEA Report on environmental protection measures is directly included, i.e. incorporated into the plan.

## INTEGRATION OF THE PROTECTION MEASURES INTO THE PLAN – an example from Serbian practice

**EXAMPLE 1.** Detailed Regulation Plan for construction of a wastewater treatment plant along the River Kolubara – City district of Obrenovac

*Chapter 5.3*

The Department for Urban Planning and Construction has adopted the decision on elaboration of the strategic environmental assessment for the aforementioned plan filed under IX-03-350.14-69/2011 on 18 March 2011.

**EXAMPLE 2.** Detailed Regulation Plan for the cadastral plot Nr. 696/1 C.M. SMEDEREVO – Old Ironworks, phase I – unit 3

*Chapter 2.6*

For the Detailed Regulation Plan for the cadastral plot Nr. 696/1 C.M. SMEDEREVO – Old Ironworks according to the decision on plan elaboration and the decision of the competent department of the public administration of Smederevo, the strategic environmental assessment has been elaborated.

From the standpoint of planned land uses and activities in the planning area, potential impact is divided in three groups: impact during the construction works, impact during the exploitation/ use/standard technological processes and impact due to accidents or accident situations. Having regard to the diversity of the planned land uses and activities in the certain parts of the unit 3 – phase I of the planning area, the aforementioned impacts differ in their importance, intensity, duration and probability.

The environmental protection measures based on the predicted impact of the planning concept are described in the detail in the SEA Report.

*The general measures* generally refer to the following:

- Compliance with the propositions and the construction and development rules prescribed by the plan,
- Compliance and implementation of the planning conditions and measures defined by the competent authorities, organisations and public enterprises in the plan implementation,
- Construction land development and construction of infrastructure according to the plan,
- Promotion of ecologically acceptable energy concepts in order to reduce the environmental pollution,
- Implementation of all protection measures related to the protection of surface and groundwater, air and soil, nature and environment, which are prescribed by competent institutions,
- Organised and controlled disposal of municipal and other types of waste, as well as hazardous waste management produced in any phase of the plan implementation and further exploitation in the planning area,
- Organisation of an integrated environmental quality monitoring for the whole planning area – during all plan implementation stages as well as during the further exploitation in the planning area,
- Introduction of the obligation to carry out environmental assessment for each activity seen as potential source of environmental pollution.

*The specific measures* comprise a set of mandatory measures for protection of individual environmental elements – air, water, soil, noise protection as well as mandatory measures in the case of accident situations.

## Integration of the Environmental Report into the BP – an example from German practice

In Germany, the Environmental Report makes part of the detailed municipal land use BP. BP has three main elements:

- statement of grounds
- textual provisions
- plan graphics

### 1. STATEMENT OF GROUNDS

#### 1.1. Generally understandable summary of the Environmental Report

A generally understandable summary of the Environmental Report makes part of the statement of grounds of the BP.



BP „Hinter den Wiesen (Ma15)“, City of Mainz – an excerpt from the Environmental Report, Landscape design map



BP „Hinter den Wiesen (Ma15)“, City of Mainz – an excerpt from plan graphics, integration of the solution proposed by the Environmental Report







## CHAPTER 5. *Environmental Report*

### INTRODUCTION

„An Environmental Report – including an integrated landscape planning contribution – was elaborated for the planning process “Ma 15”, within which all the effects of the project on the environment and all the impacts of the environment on the project are identified, described, evaluated as well as the approaches to issues solving developed. The table of contents of the Environmental Report is based on the minimum requirements as stipulated in § 2a (1) of the Federal Building Code. The Environmental Report is enclosed to the statement of grounds. The “generally understandable summary” of the Environmental Report is included in the statement of grounds:

„The City of Mainz plans the elaboration of the BP “Hinter den Wiesen (Ma 15)” in Mainz-Marienborn. The planning area of ca. 8,33 ha on the northwest side abuts to the existing residential area of Marienborn...”

### IMPACT FORECAST

„...Taking the status quo as basis, the following effects of the planning project on the environment can be identified: The realisation of the residential area is leading - in regard to the human as subject of protection - to a deprivation of open spaces in the vicinity of the settlement. On the contrary to that, a valorisation of the remaining open space in the north is to be achieved through the enrichment of the landscape with the extensive planting of the area-common vegetation structures in the course of implementation of the compensation measures mentioned below. In addition to that, the development of green and open spaces will create a possibility for the use of open space. The leafy area of single and row houses with gardens and resting places (e.g. the central square) offers its residents a good quality of life...”

### MEASURES FOR PREVENTING AND REDUCING NEGATIVE EFFECTS

„The effects of the intervention on the aforementioned subjects of protection shall be prevented or reduced by the measures below:

- Sound insulation (9,4 m high buildings),
- Active sound insulation (noise barrier),
- Passive sound insulation (e.g. soundproof windows, noise-reduced ventilation, external construction elements),
- Preservation of the connections (the site Marienborn - Ma 15 / open space),
- Preservation of the single trees and vegetation structures / protection pursuant to DIN 18920,
- Extensive roof greening,
- Use of more water-permeable and ecologically efficient pavement materials for parking spaces and walkways,
- Percolation of the stormwater from the public traffic roads to the drainage ditches along the driveway,
- Percolation of the stormwater to the private property,
- Preservation of a minimum 80 m wide climate protection area,
- Limiting the maximum building height to two full storeys (ridge height up to 9,4 m max.),
- no fencing of the front gardens along traffic roads, apart from that hedges, natural tree fences up to 1,50 m in height.

THE ENVIRONMENTAL INTERVENTION (nature and landscape impact) shall be largely compensated for through the following compensation measures in the ca. 2,3 ha large area:

- A1 – Development of a green area (extensive) with individual shrubs / fruit trees (15.580 m<sup>2</sup>) in the south to the planned residential development and in the north to the border of the existing residential area Marienborn with the main goal to preserve the climate protection area and to restore the grasshopper habitat
- A2 – Site-adapted tree and shrubbery planting (3.200 m<sup>2</sup>) along the northern and northeastern border of the planning area as visual and noise protection from the closely located traffic roads; establishment of the new border of the Marienborn neighbourhood

Upon the implementation of the aforescribed measures for prevention, reduction and compensation of environmental effects, the environmental intervention for almost all subjects of protection may be classified as compensated. For the subject of property soil remains a compensation deficit of ca. 540 m<sup>2</sup>. Measures of monitoring are required for the prevention of the unforeseen adverse effects.“

#### 1.2. Complete Environmental Report as annex to the statement of grounds

The complete text of the Environmental Report is attached to the statement of grounds of the BP.

## 2. TEXTUAL PROVISIONS

The textual provisions incorporate the measures from the Environmental Report, which are legally binding part of it.

10. Measures and areas for development of nature and landscape and areas for planting trees, hedges and other vegetation structures (Art. 9 (1) Items 20 and 25 of the Federal Building Code)

#### 10.1. Landscape compensation areas

The landscape compensation areas designated by the plan shall be subjected to implementation of the following measures:

- On the both sides of the area marked on the plan shall be developed an extensive green space with individual shrubs / fruit trees.
- The area shall be seeded with a side-adapted seed mixture and developed as extensive green space with striping mowing two times a year, outside of the breeding season.
- The Plant list 1 shall be used for the planting of the fruit trees. The fruit trees shall be planted in a way which is not causing a barrier effect for the fresh airflow in the area.



BP „Hinter den Wiesen (Ma 15)“, City of Mainz – Implementation of measures from the Environmental Report: In addition to the construction development, aerial view is showing green space development as a result of the strategic environmental assessment (2014, source: [www.mainz.de](http://www.mainz.de))

## 3. PLAN GRAPHICS

This part of the plan places the measures of the Environmental Report in space. The excerpt from the BP presented below shows a design of a green space (LEF 1), which as a result of the Environmental Report has become part of the BP as to be developed as an extensive orchard.













3

EXAMPLES  
FROM  
PRACTICE

This guide is based on both international and national practice. While the examples from German practice are given in the previous chapter, this chapter contains examples from Serbian professional practice and experiences in implementation of the GIZ/AMBERO-ICON Project in 2011-2013. We are stating them as they present novelties and a step forward in the Serbian practice, as follows:

- Comparative Location Assessment Study for a New Residential area in Despotovac (Location study with integrated SEA)<sup>9</sup>;
- Terms of reference for the SEA Report to the DRP for a new residential area in Despotovac, 2012;
- Strategic environmental assessment of the DRP for a new residential area in Despotovac<sup>10</sup>;
- Strategic environmental assessment of the GRP of Velika Plana settlement;
- Strategic environmental assessment of the DRP of the industrial area in Čuprija;
- Strategic environmental assessment of the DRP for the “Rajkovo” area in Majdanpek.

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9 2<sup>nd</sup> award at the 20th Urban Planning Salon, 2011, in the category Environmental protection in studies and plans

10 1<sup>st</sup> award at the 21st Urban Planning Salon, 2012, in the category Environmental protection in studies and plans



### 3.1 Comparative Location Assessment Study for a new residential area in Despotovac

The Municipality of Despotovac decided to develop a new residential area. In a first step, a comparative location study was elaborated in order to compare two possible locations in regard to their environmental status, expected environmental impacts and their suitability from an urban planning perspective. The goal was to provide sufficient information for the local authorities in order to select the most appropriate location. Before and during the elaboration of the study, several consultations were held with local self-government authorities, competent companies and professionals in different areas.

The study analysed, inter alia, the environmental conditions taking in consideration natural and man-made values within the two proposed locations and in their vicinity, for example:

- Environmental monitoring data – as the monitoring is conducted (as a legal obligation) by the operator of “Kovilovača” quarry – i.e. data on the quality of air, amount of sedimentary substances, noise and vibrations were used, as they are relevant for selection of a more favourable location from the standpoint of quality of the future residential area;
- Research was conducted on the condition of the existing ecosystems, condition of flora and fauna, types of biotops and landscape character;
- The condition of the existing traffic and other infrastructure on the locations was determined.

The results of the study were used as a base for the selection of the more favourable location for the realisation of new residential area. Also, the results obtained were used to define the scope of the SEA of the DRP (scoping), with further consultations with authorities, organisations and public services, public administration departments and plan developers.



Photo: AMBERO



## 3.2 Terms of Reference for the SEA Report of the DRP for a new residential area

In 2012, the Municipality of Despotovac decided to prepare a Detailed Regulation plan for the new residential area “Resava”. As an integrated part of the DRP and in line with the provisions of the LSEA and LEP, a strategic environmental assessment has been conducted – the process was supported by the GIZ Project “Strengthening of Local Land Management in Serbia”. The SEA procedure consisted of following steps:

- Preparatory stage (counseling within the municipality, scoping procedure)
- Development of the SEA Report
- Adoption procedure.

The following terms of reference defined the tasks for conducting the SEA process.

### **Task list in items**

#### *Municipality consulting in the SEA process*

In the run-up to the elaboration of the SEA Report, the Contractor shall provide the Municipality with consulting in terms of all formal and content-related matters in the SEA process, and shall prepare recommendations for the preparation of necessary planning documents and professional expertise of their content.

#### *Participation in the scoping process*

The Contractor shall provide support to the Municipality of Despotovac in the implementation of the scoping meeting within early involvement of authorities and organisations concerned, and participates in the coordination meeting organized in Despotovac for this purpose. In case needed, and in agreement with the Ordering Party and the Municipality of Despotovac, the Contractor shall prepare a scoping document for the early involvement of authorities and organisations concerned.

### **Elaboration of the SEA Report – Content of the preliminary version**

#### *1. Introduction*

The Contractor provides a short introduction where explanations are supplied on the following:

- Legal framework and the general objectives of SEA,
- The most important parts of the content and goals of the Detailed Regulation Plan, including a description of the plan provisions with information on the location, types and scopes of planned projects, as well as the land needed for their implementation,
- Environmental protection goals established by relevant sectoral laws and plans, which are relevant for the planning area and shall be taken into consideration in the planning process,
- Results of the consultations with relevant institutions and organisations held before execution of the order.



Photo: AMBERO

## *2. Description and assessment of the environmental impacts*

The Contractor shall conduct the following steps:

- Analysis of the current environmental condition and areas which will most likely be significantly affected,
- Forecast of the environmental condition development during the implementation of the plan.

The Contractor may use the results of the status quo analysis and forecast of the significant effects on the environment from the Comparative Location Assessment Study for a New Residential area in Despotovac. Possible need for additional environmental data will be defined in the scoping meeting and is not subject to these Terms of Reference.

## *3. Measures for prevention, limitation and compensation of negative environmental effects*

The Contractor shall justify the manner in which adequate measures are used to prevent or limitate significant negative effects on the environment.

Furthermore, the Contractor shall also prepare a proposal for adequate measures to compensate inevitable environmental effects.

For this purpose, the Contractor decides in agreement with the Ordering party which method shall be implemented to mitigate and compensate the environmental effects.

## *4. Alternative planning concepts*

Alternative solutions related to the selection of the location have already been examined in the Comparative Location Assessment Study for a New Residential area in Despotovac. This is why the issue of alternative solutions for selection of the planning area is not subject to this assignment.

Alternative concepts for development of the planning area are presented in the urban design. As these do not differ substantially, it is sufficient just to indicate to them.

## *5. Recommendations for subordinate plans*

These are not necessary since there are no hierarchically subordinate plans.

## *6. Description of methods applied and notes on difficulties and missing data*

The Contractor shall document procedures implemented with the purpose to determine and evaluate the environmental condition and effects as well as the data which was not available.

## *7. Monitoring*

The Contractor shall prepare a draft monitoring project with concrete measures for monitoring significant environmental effects.

## *8. Non-technical summary*

The Contractor shall prepare a generally understandable non-technical summary of the SEA Report.

## Harmonised version of the SEA Report

After the presentation and discussion of the preliminary version of the SEA Report with the Ordering Party, Municipality of Despotovac and relevant authorities and organisations, the Contractor shall prepare a harmonised version of the SEA Report. The Contractor is obliged to participate at two meetings for the purpose of SEA Report harmonisation.

The Contractor is obliged to, based on the harmonised version of the report, prepare a summary of the report to inform the public about the project and the impact it causes on the environment. This short summary must at least contain a non-technical summary, which needs to be complemented with adequate maps and data. The content needs to be harmonised with the Municipality of Despotovac and the Ordering Party.

## Update of the SEA Report

The Contractor shall continue the work on the update of the SEA Report in agreement with the Ordering Party and the Municipality of Despotovac if the need to do so is established based on further consultations and discussions or further development of the plan.

## Other obligations of the Contractor

The content and methodology of the SEA of the plan are legally prescribed by the LSEA. In this case, the Ordering Party is obliged to:

- Obtain an opinion of the competent authority and facilitate the decision on SEA elaboration,
- Provide and offer for disposal all available documents (existing plans, studies, analyses, monitoring results, planning conditions and approvals of various authorities and organisations relevant for the planning area),
- Supply the existing data on the environmental condition.

The SEA Report refers to the area of the Detailed Regulation Plan for construction of a new residential area in Despotovac, as well as the area in the direct vicinity, comprising contents and activities which could be a source of negative impact on the environment.

Photo: AMBERO



The Contractor is obliged to attend all coordination meetings with the Ordering Party and representatives of the Municipality of Despotovac during the contract execution term. The fee for participation at up to 8 coordination meetings will be paid after supplying the invoice. In case additional meetings are needed, they will be subject to separate assignment and will be accounted for accordingly.

The Contractor delivers to the Ordering Party three copies of the harmonised SEA Report and one in electronic form (MS Word file). The report must contain the following topical maps in a 1:1000 scale (which may be complemented after a more detailed agreement):

- One map showing area borders produced based on the existing data from the cadastre and ortho-photo recordings,
- One map with the existing land uses,
- One map with limitations and potentials (taking into account the results of the evaluation) in terms of development of the new residential area.





### 3.3 Strategic environmental assessment of the DRP for a new residential area in Despotovac

After the selection of the location for a new residential area which was based on the results of a comparative location study (see chapter 3.1.), the local authorities had to pass the decision on elaboration of the DRP “New residential area – Resava” and the SEA Report of the DRP.

Upon passing the Decision on elaboration of the plan and SEA, before reaching the pre-draft stage of the plan, a round table session was organized (scoping meeting) with the aim to identify potential problems in obtaining planning conditions from the competent institutions as well as sources of available data on spatial situation, to define alternative planning concepts and appropriate form to involve public in the planning process. The meeting was attended by the developers of the plan and the SEA Report and representatives of competent urban planning and environmental protection authorities.

The SEA Report of the DRP “New residential area – Resava” presents alternative solutions provided in the urban design proposal based on which the final proposal for the development of the planning area was defined. The SEA Report and the Detailed Regulation Plan also contain alternative solutions related to:

- Types of housing (traditional and modern construction),
- Types of fences (use of materials such as stone, wood, plant material as opposed to wrought iron and metal and combination thereof),
- Types of organisation of yards and access roads (implementation of various content and its spatial distribution depending on the orientation and shape of plots with use of natural and man-made materials and combinations thereof),
- Types of facades (use of concrete, bricks, wood and stone and their possible combinations),
- Possible alternative solutions for the development of public areas (introduction of water as a formal element for construction of cascades and water mirrors as well as construction of sculptures used for sitting, children playgrounds, fully and partially paved areas for leisure activities).

Photo: AMIBERO





In the process of preparing the DRP “New residential area – Resava” and the integrated SEA Report it was aimed to closely include the public concerned in the decision-making process. Therefore, a workshop entitled “Your opinion counts!” was organized to present the alternative solutions related to the construction and development of the new residential area to the public.

Based on proposals and suggestions of the public, possible solutions for development and construction of the new residential area were selected. The alternative solutions selected will be an integral part of the Manual for Construction and Development of the New Residential Area Resava, which will support all future investors in the planned residential area.

Within the SEA procedure, the environmental impact of the planning concept has been assessed with the result that the expected negative effects on the environment are minor and do not have a significant spatial reach. Positive impact on the spatial situation may be expected in the area of infrastructure, improvement of the quality of life of the future residents of the planned residential zone, increased share of public areas and areas with maintained greenery. Having in mind that the implementation of the plan would lead to elimination of the existing vegetation from the planning area, environmental compensation measures were defined with the aim to establish a new vegetation site important from the standpoint of environmental protection and human health.

Compensation measures suggest development and maintenance of a protective green belt in the vicinity of the exploitation area, on plots owned by the company “Kovilovača” and the Municipality of Despotovac, in line with the measures defined by the Environmental Impact Assessment Study of the Project “Exploitation of Limestone from Kovilovača quarry”.

### 3.4 Strategic environmental assessment of the General Regulation Plan for the Velika Plana settlement

On 4 December 2009, the Municipality of Velika Plana passed the decision on elaboration of the General Regulation Plan for the territory of the settlement. Article 9 of the decision stipulated the non-elaboration of the SEA, based on the decision-making procedure and the opinion of the environmental protection competent authority in the Municipality of Velika Plana.

Upon passing the decision on elaboration of the General Regulation Plan, the representatives of competent planning authority, local public planning and construction enterprise and the team of plan developers held several meetings. In accordance with the decision on elaboration of the General Regulation Plan, the conditions of competent institutions, authorities and public enterprises providing information about technical planning conditions to be respected in the plan were obtained (Serbian Nature Protection Institute, Institute for Cultural Heritage Protection, public water management enterprise, road construction enterprise “Putevi Srbije”, telecommunications operator “Telekom Srbija”, the competent power distribution enterprise, gas supplier “Srbijagas”, local public utility, etc.).

Based on the provided planning conditions, the plan developers proposed a draft plan, which was subjected to a comprehensive analysis and discussion (analysis of spatial and environmental potentials and limitations) by the professionals from the competent planning and construction authority, representatives of other local public enterprises and environmental protection professionals. Several meetings held resulted in the conclusion that significant effects on the environment, rational use of natural resources and human health may occur in the planning area.

Photo: AMBERO

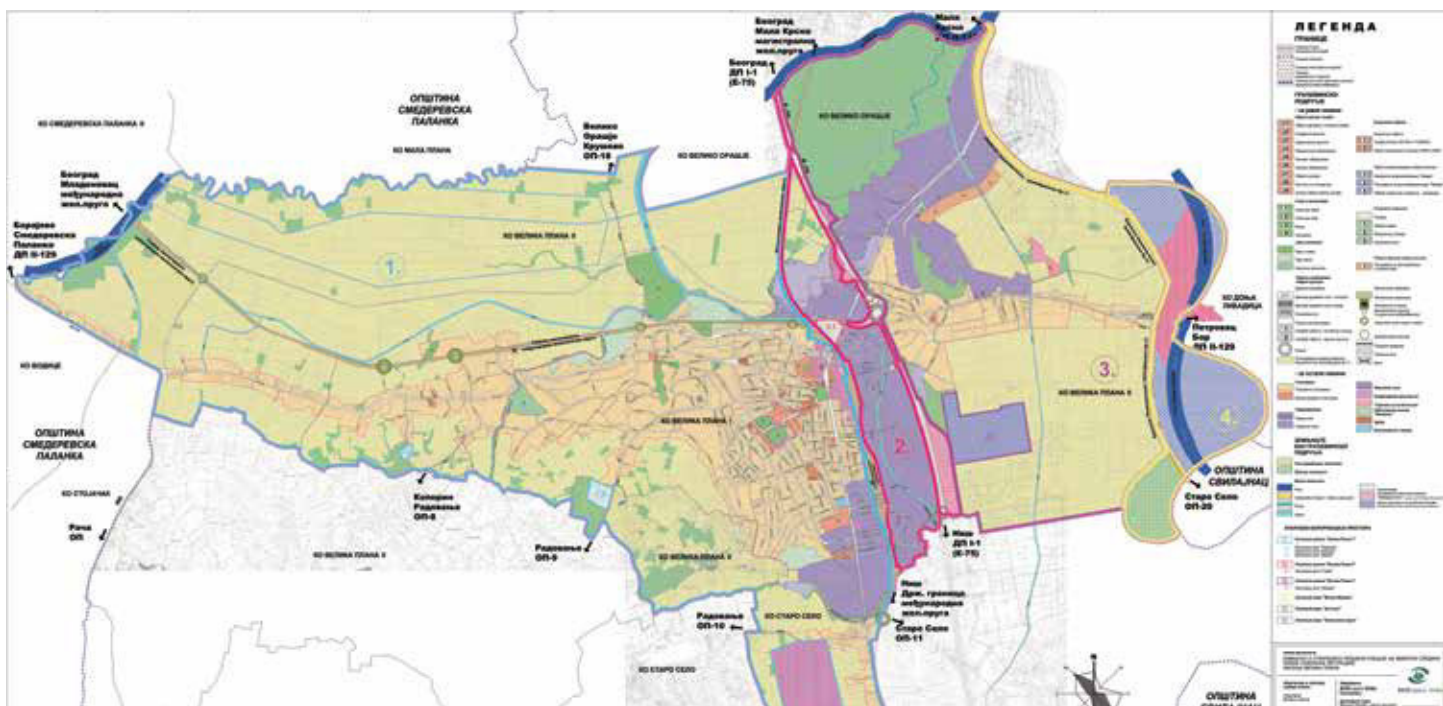






Photo: AMBERO

Particular attention was paid to possible significant effects and negative consequences for the following reasons:

- Important corridors cross the planning area (highway and railway);
- The planning area borders the River Velika Morava foreland;
- The plan comprises significant amounts of agricultural land, forests and forest land;
- Spatial position of the water supply source;
- Possible environmentally conflicting areas were identified (highway area, railway area and supply lines, the existing production and utility areas - landfill);
- The status of the existing brownfield site in the very centre of the town;
- Some planned land uses and activities may have impact on the environmental condition (planned area for greenfield investments).

As a result of the consultations, on 1 December 2011 it was decided to change the the decision on the elaboration of the General Regulation Plan Velika Plana and to conduct a SEA of the General Regulation Plan.



## 3.5 Strategic environmental assessment of the DRP for an industrial area in Čuprija

The decision on the SEA elaboration was passed upon the base of the draft plan and the opinion of the environmental protection competent authority, but without defining the scope of the SEA.

The existing situation in the planning area was very complex:

- Brownfield sites with historic pollution;
- High groundwater level;
- Network of drainage canals;
- Total lack of infrastructure in a large part of the planning area;
- No data on the environmental condition was available for the given area.

During the planning process no further research of the condition and quality of surface and groundwater, soil and types and amounts of waste was conducted.

Due to the stated lacks and obstacles, the SEA SE i.e. the SEA Report contains:

- Binding guidelines for the lower level of hierarchy, i.e. mandatory examination of the environmental condition – “zero condition” requested for the implementation of individual projects, in the EIA process for projects;
- Mandatory environmental protection measures for the implementation of specific projects (facilities and technologies).

It was generally concluded that a certain number of municipalities in Serbia, especially those in economically undeveloped regions, frequently encounters the following difficulties:

- Impossibility to establish any kind of local environmental monitoring network, which results in an absence of even a minimum of environmental data;
- Lack of professional capacities in municipal environmental authorities.

The following was also observed:

- Difficulties in the process of identification and definition of the SEA scope due to a lack of understanding of the SEA process and its importance in the spatial planning process;
- Insufficient coordination between competent environmental and planning authorities at the local level;
- Absence of competent environmental protection authorities or their existence but within other authorities (e.g. Department for Finances and Economy);
- Lack of professional training in the environmental protection competent authorities.

### 3.6 Strategic environmental assessment of the DRP for “Rajkovo” area in Majdanpek

Based on the screening results, the Department for Urban Planning, Construction, Residential and Utility Affairs of the Municipality of Majdanpek decided to conduct the SEA before deciding to start with the elaboration of the Detailed Regulation Plan as a base for the future turistic development of the “Rajkovo” area. The scope, volume and level of detail of the environmental analysis were defined in the scoping stage .

According to the hierarchically superordinated plan (GRP), the subject area is located within the territory intended for sports, recreational and leisure activities as well as tourism development. The development of the complex, which covers a total area of about 146 ha, was initiated through the Feasibility Study for Development of Tourism in “Rajkovo” Area in Majdanpek, supported by the GIZ/AMBERO-ICON Project “Strengthening of Local Land Management in Serbia” and the Municipality of Majdanpek.

The area of Rajkovo is an environmentally valuable zone located between the town of Majdanpek in the south, pit of the copper mine “Majdanpek” in the west and the Djerdap National Park in the north and north-east. In the east, the area borders with forest areas. It was aimed to develop and restructure this area for sustainable and ecologically compatible tourism as a contribution to the overall development of the municipality.

The planning area consists of four parts: the area of the Rajkova cave (confirmed speleological site), the Veliki Zaton lake (for leisure and recreational purposes), the area Rajkove Livade (student and youth tourism complex) and the area of Rajkovo skiing centre (two slopes of the total length of about 2,200 m).

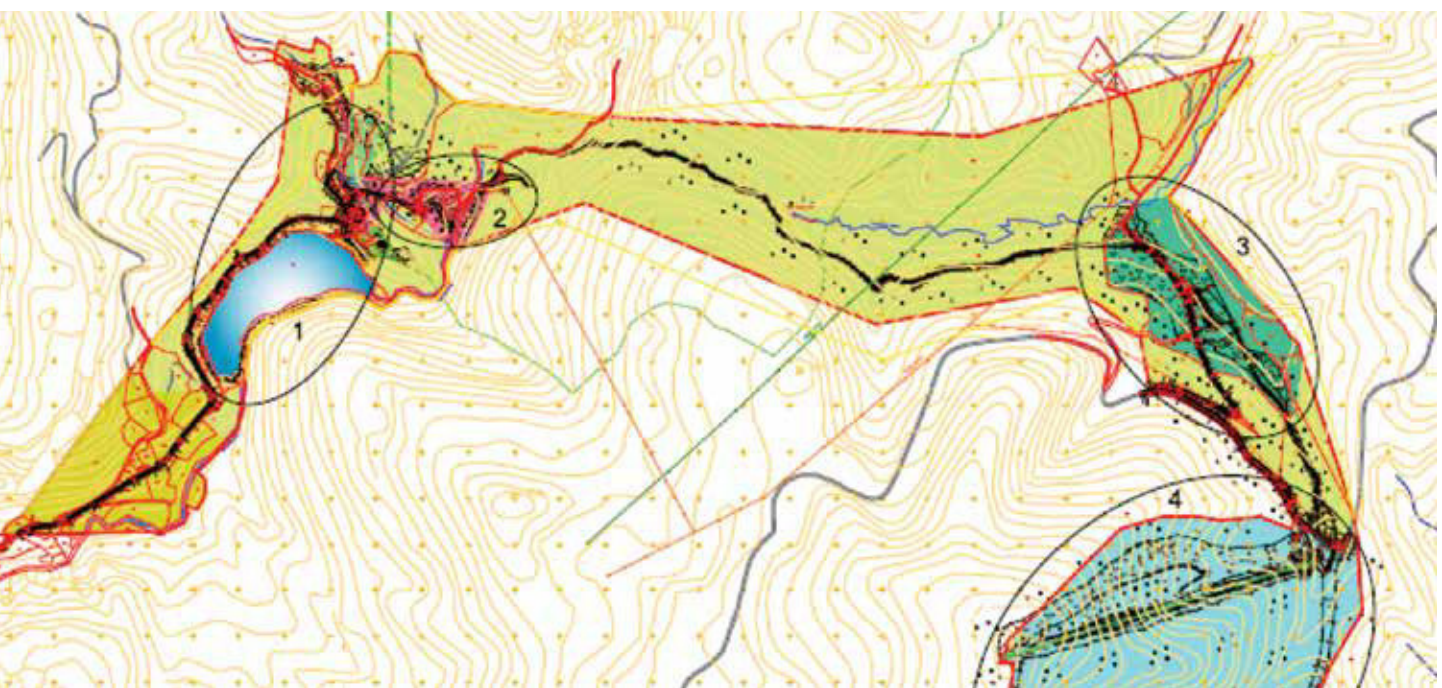


Photo: AMBERO



The SEA included the following steps:

- Collection of data related to the space, natural characteristics and the environment as well as protected natural and cultural assets
- Identification of potential impacts and sources of threats, degradation, pollution and overall condition of the environment
- Evaluation of the so called “zero alternative” as a condition and base for the assessment of possible significant impact and changes in space.
- Evaluation of possible effects and proposals for possible protection measures for different alternative development concepts,
- Integration, presentation and implementation of the best offered solution from the standpoint of environmental protection.

The specific goal was to enable touristic development through reactivation and modernisation of the disused infrastructure under preservation of natural spatial and environmental characteristics as the greatest value of the whole area. The following maps were developed: geological properties, hipsometric properties, ground inclination map, spatial disposition of precipitations, spatial distribution of air temperature, territorial vulnerability and the land use map.

The model applied was multi-criteria qualitative expert evaluation of the proposed planning concepts in terms of the SEA goals and indicators. The way of presentation of possible effects, using matrices and graphs, provided a clear insight into positive and negative impact of each solution.

Based on the evaluation of the expected impact, it was concluded that the implementation of the plan will not cause strategically significant negative impact within the planning area. Slight negative effects (in the traffic sector) is of limited nature, both in terms of intensity and spatial reach.









4

# SUPPLEMENTS

# 4.1 Law on Strategic Environmental Impact Assessment

“Official Gazette of the Republic of Serbia”, No. 135/2004 and 88/2010

## I BASIC PROVISIONS

### Subject and objectives

#### Article 1

This Law regulates the conditions, methods and procedure according to which the assessment of impact of certain plans and programmes on the environment (hereinafter referred to as: strategic assessment) shall be carried out in order to provide for the environmental protection and improvement of sustainable development through integration of basic principles of environmental protection into the procedure of preparation and adoption of plans and programmes.

### Exemptions

#### Article 2

The provisions of this Law shall not apply to plans and programmes designated to the national defence purposes, plans of mitigation and elimination of consequences of natural disasters and financial and budget plans.

### Meaning of terms

#### Article 3

Certain terms used in this Law shall have the following meaning:

- 1) Plans and programmes are all development and other plans and programmes and sectoral master-plans, including their amendments, which are prepared and/or adopted by the authority at the Republic, provincial or local level, or which are prepared by the competent authority for the purpose of adoption in the appropriate procedure by the Assembly or Government of the Republic of Serbia, or the assembly or the executive authority of the autonomous province, or self-government units, as well as plans and programmes adopted pursuant to legislation;
- 2) Strategic assessment of impact of certain plans and programmes on the environment, implies the preparation of the report on the status of the environment, implementation of the consultation procedure, taking into account the report and results of consultations in the decision making procedure and procedure of enactment or adoption of certain plans and programmes, as well as providing of information and data relating to the adopted decisions;
- 3) Strategic assessment report means a part of documentation that is attached to plans or programmes and that includes the identification, description and assessment of potential significant effects on the environment caused by implementation of plans and programmes, as well as alternatives considered and adopted based on the objectives and area occupied by plans and programmes;
- 4) Authorities and organisations concerned are the authorities and organisations of the Republic, autonomous province and local self-government authorities having interest, in accordance with their responsibilities, in decisions related to environmental protection;
- 5) Public includes one or several natural or legal persons, their associations, organisations or groups;
- 6) Public concerned includes public affected or public likely to be affected by the plan or programme and/or having interest in decisions related to environmental protection, including non-government organisations involved in environmental protection and registered with the competent authority.

### Principles of strategic assessment

#### Article 4

The basic principles of strategic assessment are as follows:

- 1) Principle of sustainable development – Sustainable development is a harmonised system of technical-technological, economic and social activities within the total development using natural and man-made values in economically efficient and reasonable way aiming at preservation and improvement of quality of the environment for the present and future generations.  
Consideration and inclusion of significant environmental aspects in preparation and adoption of certain plans and programmes and setting of conditions for preservation of values of natural resources, landscapes, biological diversity, wildlife species and autochthonous eco-systems, and rational use of natural resources shall contribute to fulfilment of objectives of sustainable development.
- 2) Principle of integration – The environmental protection policy that is implemented through enactment and adoption of plans and programmes shall be based on the inclusion of environmental protection conditions, and conditions of preservation and sustainable use of biological diversity into the appropriate sectoral and inter-sectoral programmes and plans.
- 3) Precautionary principle – Each activity has to be carried out in the way preventing or reducing adverse effects of certain plans and programmes on the environment before their adoption, providing for rational use of natural resources and minimising the risk to human health, the environment and material resources.

4) Principle of hierarchy and co-ordination – The assessment of impact of plans and programmes shall be carried out at different hierarchy levels at which plans and programmes are adopted.

The increased level of transparency in decision making within the procedure of strategic assessment of plans and programmes shall be provided through mutual co-ordination of the competent authorities and authorities concerned in the procedure of granting the approval for the strategic assessment, through consultations, and informing and submission of opinions relating to plans and programmes.

5) Principle of public character of work – Aiming at informing public about certain plans and programmes and their potential impact on the environment, as well as at providing complete transparency of the procedure of preparation and enactment or adoption of plans and programmes, public has to have access to information relating to such plans and programmes or their amendments prior to adoption of any decision and after the adoption of plans and programmes.

## II STRATEGIC ASSESSMENT PROCEDURE

### Subject of the strategic assessment

#### Article 5

The strategic assessment shall be carried out for all plans, programmes and sectoral master-plans (hereinafter referred to as: plans and programmes) in the fields of spatial and town planning or land use planning, planning in the fields of agriculture, forestry, fishing industry, hunting, energy, industry, transport, waste management, water management, telecommunications, tourism, preservation of natural habitats and wildlife (flora and fauna), that set the frameworks for granting the approval for future development projects defined by the environmental impact assessment related legislations.

In cases of plans and programmes referred to in Paragraph 1 of this Article, which determine the use of smaller areas at the local level, or in cases of minor modifications to plans and programmes that do not require the formal adoption procedure, as well as of plans and programmes that are not listed in Par. 1 of this Article, the decision on the strategic impact assessment shall be made by the competent planning authority if, according to the criteria set forth by this Law, it determines that there is the possibility of significant impact on the environment.

The Minister competent for environmental protection shall closely prescribe the list of plans and programmes for which SEA is mandatory as well as the list of plans and programmes for which SEA may be demanded.

#### Criteria

#### Article 6

The criteria for determining the possibilities of significant impact of plans and programmes on the environment and passing of the decision on elaboration of strategic assessment referred to in Article 5, Par. 2 of this Law are listed in Annex I to this Law that is printed along with this Law and that makes its integral part.

### Hierarchy framework and basis

#### Article 7

Strategic environmental impact assessment shall be carried out on the basis of the hierarchical level, type, goals and content of a plan or programme.

If the plan makes an integral part of a certain hierarchical structure, strategic environmental impact assessment shall be carried out according to the guidelines from the strategic environmental impact assessment of the plan or programme at the higher hierarchy level.

### Stages in the strategic assessment procedure

#### Article 8

The strategic assessment procedure shall be composed of the following stages:

1) The Preparation stage that shall include:

- The decision on the strategic assessment elaboration;
- The selection of the strategic assessment developer;
- The participation of authorities and organisations concerned;

2) The strategic assessment report;

3) The decision making procedure that shall include:

- The participation of authorities and organisations concerned;
- The participation of the public concerned;
- The report on the results of participation of authorities and organisations and public concerned;
- The evaluation of the strategic assessment report;
- The approval of the strategic assessment report.



## 1. Preparation stage

### Decision on the strategic assessment elaboration

#### Article 9

The competent planning authority, in accordance with the previously obtained opinion of the competent environmental protection authority and other authorities and organisations concerned, shall make the decision on the strategic assessment elaboration.

The decision referred to in Par. 1 of this Article shall include in particular:

- 1) The data on the type of plan and programme;
- 1a) The reasons based on which the strategic assessment has been carried out in accordance with the criteria referred to in Art. 6 of this Law;
- 2) The review of issues and problems related to the environment in the plan and programme that are going to be considered within the strategic assessment;
- 3) The reasons for omission of certain issues and problems related to the environment in the plan and programme out of the strategic assessment;
- 4) The elements of the strategic assessment report;
- 5) The selection and obligations of the prime developer of the strategic assessment report (proposal of methodology, composition of the expert team, deadline for elaboration etc.);
- 6) The method of participation of authorities and organisations and public concerned in the procedure of elaboration and consideration of strategic assessment report;
- 7) Other data of relevance for the strategic assessment elaboration.

The competent planning authority referred to in Article 5, Par. 2 of this Law may decide not to elaborate the strategic assessment based on the previously obtained opinion of the competent environmental protection authority and other authorities and organisations concerned.

The decision referred to in Par. 3 of this Article shall include the following:

- 1) The data on the type of plan;
- 2) The reasons for non-elaboration of the strategic assessment in accordance with the criteria stated in Art. 6 of this Law;
- 3) Other relevant data, based on which it has been decided not to proceed with the elaboration of the SEA report.

The decision referred to in Par. 1 and 3 of this Article is an integral part of the decision on preparation of plans and programmes and it is to be published in the "Official Gazette of the Republic of Serbia", official journal of the Autonomous Province, or in the official journals of the local self-government units.

### Selection of the strategic assessment report developer

#### Article 10

The competent planning authority shall decide on selection of the strategic assessment report developer in accordance with the procedure set forth by the Law.

The strategic assessment report developer can be legal or natural person inscribed in the corresponding register as entitled to execute activities related to spatial planning and elaboration of plan documents, or town planning and elaboration of town plans.

Legal or natural persons referred to in Par. 2 of this Article are entitled to establish the multi-disciplinary team composed of persons qualified for analyses of each of the strategic assessment elements that shall elaborate the strategic assessment report.

Persons with University degree of the appropriate profile and with at least 5 years of work in the certain field, or with professional results, i.e. participation in at least two plans and programmes that have already been realised are considered qualified for elaboration of the strategic assessment report.

### Participation of authorities and organisations concerned

#### Article 11

In preparation of the decision on strategic assessment elaboration, or the decision on non-elaboration of the strategic assessment, the competent planning authority shall request from the competent environmental protection authority and other authorities and organisations concerned to submit their opinions.

The draft decision with the prescribed content shall mandatory be submitted along with the request for submission of opinions referred to in Par. 1 of this Article.

The deadline for submission of opinions referred to in Par. 1 of this Article shall be 15 days from the receipt of the request for submission of opinions. In case that the opinion is not submitted within the period set in Par. 3 of this Article it shall be considered that no comments to the proposed content of the decision on strategic assessment elaboration, or the draft decision on nonelaboration of the strategic assessment were submitted.

## 2. Strategic assessment report

### Content of the report

#### Article 12

The strategic assessment report is the document that describes, evaluates and assesses the potential significant impact on the environment, which could result from implementation of plans and programmes. It shall also define measures for reduction of adverse effects on the environment.

The report referred to in Par. 1 of this Article shall include the following in particular:

- 1) The bases of the strategic assessment;
- 2) The general and specific objectives of the strategic assessment and selection of indicators;
- 3) The evaluation of likely impact with the description of measures planned for reduction of adverse effects on the environment;
- 4) The guidelines for elaboration of lower level strategic assessments and assessments of environmental impact of projects;
- 5) The programme of monitoring of environmental status during the execution of plans and programmes (monitoring);
- 6) The outline of methodology applied and difficulties encountered during the strategic assessment elaboration;
- 7) The outline of decision making methods, description of reasons vital for selection of the given plan and programme from the aspect of alternative solutions considered and the outline of methods in which the environmental issues have been included in plans and programmes;
- 8) The conclusions reached in the process of strategic assessment report elaboration presented in the way understandable for public;
- 9) Other data of relevance for the strategic assessment.

The competent planning authority shall provide for participation of authorities and organisations and the public concerned in the procedure of granting the approval for the strategic assessment report in the way set forth by the law.

### Background information

#### Article 13

The background information in the strategic assessment shall include:

- 1) The short outline of the content and objectives of plans and programmes and relationship with other plans and programmes;
- 2) The outline of the current status and quality of the environment in the area that the report refers to;
- 3) The characteristics of the environment in areas likely to be exposed to significant impact;
- 4) The environmental protection issues and problems that have been considered in plans and programmes and the outline of reasons for omission of certain issues and problems out of the assessment procedure;
- 5) The outline of the prepared alternative solutions relating to the environmental protection in plans and programmes, including the zero alternative solution for plans and programmes and the most favourable solution from the aspect of environmental protection;
- 6) The results of previous consultations with authorities and organisations concerned that are relevant from the aspect of objectives and evaluation of potential impact of the strategic assessment. стратегичке процене.

### General and specific objectives and selection of indicators

#### Article 14

General and specific objectives of the strategic assessment shall be defined on the basis of requests and objectives related to environmental protection in other plans and programmes, environmental protection objectives set at the Republic and international levels, data collected on the status of the environment and significant questions, problems and proposals related to environmental protection in plans or programmes.

The appropriate indicators that shall be used in the strategic assessment shall be selected based on the defined objectives referred to in Par. 1 of this Article.

### Assessment of potential impact

#### Article 15

The assessment of potential impact of plans and programmes on the environment shall consist of the following elements:

- 1) The outline of the assessed impact of alternative solutions of plans and programmes that are favourable from the aspect of environmental protection, with the description of measures aimed at preventing and limiting of adverse or increase of positive effects on the environment;
- 2) The comparison of alternative solutions and the outline of reasons for selection of the most favourable alternative solution;
- 3) The outline of the assessed impact of plans and programmes on the environment with the description of measures aimed at preventing and limiting the adverse or increasing of positive effects on the environment;
- 4) The way in which the environmental elements have been taken into consideration in the impact assessment, including the data on: air, water, soil, climate, ionising and non-ionising radiation, noise and vibrations, flora and fauna, habitats and bio-diversity, protected natural resources, population, human health, cities and other settlements, cultural-historic heritage, infrastructure, industrial and other structures or other man-made values;

5) The ways in which the following impact characteristics have been taken into account: probability, intensity, complexity/reversibility, time dimension (duration, frequency, reversibility), spatial dimension (location, geographical area, size of the exposed population, transboundary nature of impact), cumulative and synergistic nature of impact.

#### Guidelines for lower hierarchy levels

##### Article 16

The strategic assessment report shall include the developed guidelines for plans and programmes at lower hierarchy levels that include the determination of the need for the strategic assessment elaboration and elaboration of assessment of impact of projects on the environment. They also define the environmental protection aspects and other questions of relevance for assessment of impact of lower hierarchy level plans and programmes on the environment.

#### Environmental status monitoring programme

##### Article 17

The programme of monitoring of the status of the environment during the implementation of plans and programmes shall consist of the following in particular:

- 1) The description of objectives of plans and programmes;
- 2) The environmental status monitoring indicators;
- 3) The rights and obligations of the competent authorities;
- 4) Acting in cases of unexpected adverse effects;
- 5) Other elements depending on the type and scope of plan and programmes.

The environmental status monitoring programme referred to in Par. 1 of this Article can make an integral part of the existing monitoring programme provided by the competent environmental protection authority.

#### 3. Decision making procedure

##### Participation of authorities and organisations concerned

##### Article 18

The competent planning authority shall submit the strategic assessment report referred to in Article 12 of this Law to the authorities and organisations concerned, requesting their opinion.

The authorities and organisations concerned shall submit their opinions within 30 days from the date of receipt of the request referred to in Par. 1 of this Article. In case that the opinions are not submitted within the period set in Par. 2 of this Article it shall be considered that there are no remarks to the submitted strategic assessment report.

#### Public participation

##### Article 19

The competent planning authority shall provide for public participation in the strategic assessment report consideration prior to submission of application for granting the approval for the strategic assessment report.

The competent planning authority shall inform the public referred to in Par. 1 of this Article about the method and deadlines for insight into the content of the report and submission of opinions, as well as about the time and venue where the public debate is held.

The insight into the report and the public debate referred to in Par. 2 of this Article are, as a rule, organised as a part of the public inquiry into the plan and the public debate organised in accordance with the Law regulating the procedure of adoption of plans and programmes.

If the Law regulating the procedure of adoption of plans and programmes does not foresee the public inquiry and the public debate on the plan and programme, the competent planning authority schedules the public inquiry and the public debate referred to in Par. 2 of this Article in the plan and programme adoption decision or in a separate decision.

#### The report on participation of authorities and organisations and the public concerned

##### Article 20

The competent planning authority shall compile the report on participation of authorities and organisations and the public concerned, which shall include all the opinions referred to in Article 18, Par. 2 of this Law, as well as the opinions submitted during the public insight and public debate on plans and programmes, and the strategic assessment report referred to in Article 19 of this Law.

The report referred to in Par. 1 of this Article shall be compiled within 30 days from the date of the public debate completion and it shall include the rationale for all the accepted or rejected opinions.

## Evaluation of the strategic assessment report

### Article 21

The competent planning authority shall submit the strategic assessment report to the competent environmental protection authority for the purpose of evaluation, along with the report on participation of authorities and organisations and the public concerned referred to in Article 20 of this Law.

Upon the receipt of the report referred to in Par. 1 of this Article, the competent environmental protection authority may obtain the opinions of other authorised organisations or experts in certain fields or may form an expert commission for the evaluation of strategic assessment report.

The decision on establishment of the commission referred to in Part. 2 of this Article defines the tasks, the members and the working method of the commission.

The means for the work of the commission are covered by the budget.

The competent environmental protection authority shall evaluate the report referred to in Par. 1 of this Article based on the criteria contained in Annex II which has been printed along with this Law and which makes its integral part.

## Approval of the strategic assessment report

### Article 22

The competent environmental protection authority shall grant the approval or refuse the application for the strategic assessment report on the basis of evaluation referred to in Article 21 of this Law.

The deadline for decision on granting of approval referred to in Par. 1 of this Article is 30 days from the receipt of the application submitted by the competent planning authority.

The deadline referred to in Par. 2 of this Article does not include the period given to the strategic assessment report developer to apply modifications and complements to the report.

The competent planning authority cannot continue further procedure of adoption of plans or programmes without having obtained the approval from the competent environmental protection authority for the strategic assessment report.

## Exchange of information on transboundary impacts

### Article 23

The Ministry responsible for environmental protection (hereinafter referred to as: the Ministry) shall conduct the exchange of information on transboundary impact of plans and programmes on the environment.

When implementation of plans and programmes may have significant adverse effects on the environment in another state, or when the state whose environment could be significantly threatened requests so, the Ministry shall submit to another state, in the procedure of participation of the authorities and organisations and public concerned, within the shortest possible period and at least simultaneously with informing its own public, the following information requesting its opinion:

- 1) The description of plans and programmes, together with all available information on their possible impact;
- 2) The nature of the decision that may be adopted;
- 3) The period within which another state can notify its intention to participate in the decision-making procedure.

The Ministry shall inform another state, which was consulted in the decisionmaking procedure, about the decision on granting of approval for the strategic assessment by submission of the following information:

- 1) The content of the decision on approval;
- 2) The method of elaboration of the environmental status report and the opinions obtained in the process of elaboration;
- 3) The results of consultations and reasons based on which the decision on approval was made;
- 4) Measures in the field of monitoring of plans and programmes.

The Ministry shall inform the authorities and organisations and public concerned about the received information relating to transboundary impact of the proposed plans and programmes of another state in the way set forth in Article 19, Par. 3 of this Law.

The Ministry shall take into account the results of consultations and obtained opinions of the authorities and organisations and public concerned when submitting the opinion to the competent authority of another state.

## Access to information

### Article 24

The strategic assessment report and results of participation of the authorities and organisations and public concerned and other states in cases of transboundary impact shall make integral parts of the documentation basis of plans and programmes.



The competent planning authority shall provide for the access to data referred to in Par. 1 of this Article after the adoption of plans and programmes, under the conditions set forth by the Law.

## IIa SUPERVISION

### Article 24a

The supervision over the application of this Law shall be performed by the Ministry responsible for environmental protection.

## III PENALTY PROVISIONS

### Offences

#### Article 25

The responsible person in the competent planning, or environmental protection authority shall be fined from 5.000 to 20.000 dinars for the offence if he/she:

- 1) Prepares the plans or programmes referred to in Article 5, Par. 1 of this Law without the previously conducted strategic assessment;
- 2) Elaborates the strategic assessment that is not harmonised with other strategic assessments and assessments of impact of plans and programmes on the environment (Article 7, Par. 1);
- 3) Fails to pass the decision referred to in Article 9, par. 1 and 3 of this Law;
- 4) Conducts the strategic assessment procedure without participation of authorities and organisations concerned or without participation of public concerned (Art. 11, 18 and 19);
- 5) Evaluates the strategic assessment report without applying the established criteria (Art. 21, Par. 3);
- 6) Fails to decide on granting the approval based on the evaluation of the strategic assessment report within the prescribed period (Art. 22, Par. 1 and 2);
- 7) Submits plan or programme for further adoption procedure without having previously obtained the approval for the strategic assessment report from the competent environmental protection authority (Art. 22, Par. 3).

## IV TRANSITIONAL AND FINAL PROVISIONS

### The commenced plans and programmes

#### Article 26

The elaboration of plans and programmes which started prior to entry of this Law into force shall continue in accordance with the procedure set forth by this Law.

### Entry into force

#### Article 27

This Law shall enter into force on the eighth day from the date of publishing in the "Official Gazette of the Republic of Serbia".

### Independent articles of the Amendment to the Strategic Environmental Impact Law ("Official Gazette of the Republic of Serbia", No. 88/2010)

#### Article 13.

The elaboration of plans and programmes which started prior to entry of this Law into force shall continue in accordance with the procedure set forth by this Law.

#### Article 14.

This Law shall enter into force on the eighth day from the date of publishing in the "Official Gazette of the Republic of Serbia".

## ANNEX I

### CRITERIA FOR DETERMINING THE POTENTIAL SIGNIFICANT IMPACT

1. Characteristics of plans and programmes, and the following in particular:

- 1) Significance of plans and programmes for environmental protection and sustainable development;
- 2) Environmental protection issues related to plans and programmes and possibility of impact on:
  - (1) Air;
  - (2) Water;
  - (3) Land;

- (4) Climate;
  - (5) Flora and fauna;
  - (6) Habitats and bio-diversity;
  - (7) Protected natural resources;
  - (8) Population and health;
  - (9) Cities and other settlements;
  - (10) Cultural-historic heritage;
  - (11) Infrastructure, industrial and other structures;
  - (12) Other man-made values.
- 3) The degree to which the plan or programme influences other plans and programmes including those in different hierarchy structures;
  - 4) The degree to which the plan or programme sets frameworks for projects and other activities, either with regard to the location, nature, size and operating conditions or with regard to allocating resources.
- 2. Impact characteristics, and the following in particular:
    - 1) Probability, intensity, complexity, reversibility;
    - 2) Time dimension (duration, frequency, reversibility);
    - 3) Spatial dimension:
      - (1) Location;
      - (2) Geographical area;
      - (3) Size of the population affected;
      - (4) Transboundary nature of impact.
    - 4) Cumulative and synergistic nature of impact;
    - 5) Risks to human health and the environment;
    - 6) Impact on areas of natural, cultural and other significance:
      - (1) Special natural characteristics;
      - (2) Areas and natural resources with the recognised Republic or international protection status;
      - (3) Cultural-historic heritage;
      - (4) Densely populated areas;
      - (5) Areas with different protection regimes.
    - 7) Impact on threatened areas:
      - (1) Exceeded environmental quality standards or limit values;
      - (2) Intensive land use;
      - (3) Existing risks;
      - (4) Reduced capacities of the environment;
      - (5) Rare and areas of extreme sensitivity;
      - (6) Eco-systems;
      - (7) Flora and fauna/wildlife species.

## ANNEX II

### CRITERIA FOR EVALUATION OF THE STRATEGIC ASSESSMENT REPORT

#### Elements of the strategic assessment

- 1. Characteristics of plans and programmes
  - 1) The way in which plan and programme objectives and contents are presented, the area for which the plan or programme is prepared and time horizon;
  - 2) The ways in which the connections with other plans and programmes have been made.
- 2. Background
  - 1) The issues and problems related to environmental protection that have been considered during the elaboration of the strategic assessment report have been presented;
  - 2) The reasons for the fact that certain issues and problems have not been taken into consideration in strategic assessment have been listed;
  - 3) The way has been described in which strategic assessment objectives have been defined and in which the corresponding indicators have been selected;
- 3. Status of the environment
  - 1) The existing and future status of the environment have been presented;
  - 2) The environmental status description has been harmonised with the strategic assessment objectives and indicators;

3) Sources of data on the environmental status have been presented and the used methodology has been harmonised with the degree of the strategic assessment complexity.

#### 4. Alternative solutions

1) Method of preparation and consideration of alternative solutions for issues and problems related to certain environmental aspects has been presented;

2) The non-execution alternative solution ("zero alternative") for the plan and programme and alternative solution that is the most favourable from the aspect of environmental protection have been prepared;

3) Impact of alternative solutions on the environment have been evaluated and comparisons have been made;

4) The reasons for selection of the alternative solution that is the most favourable from the aspect of environmental protection have been justified.

#### 5. Environmental impact assessment

1) Method of identification and evaluation of significant impact of plans and programmes on the environment has been presented;

2) The following elements have been included in the impact assessment:

(1) Air;

(2) Water;

(3) Land;

(4) Climate;

(5) Flora and fauna;

(6) Habitats;

(7) Bio-diversity;

(8) Landscape (natural amenities);

(9) Natural resources;

(10) Population and health;

(11) Cities and other settlements;

(12) Cultural-historic heritage;

(13) Infrastructure, industrial and other structures;

(14) Other man-made values.

3) The following impact characteristics have been taken into consideration in impact assessment:

(1) Probability;

(2) Intensity;

(3) Complexity/reversibility;

(4) Time dimensions (duration, frequency, reversibility);

(5) Spatial dimension (location, geographical area, size of the affected population, transboundary nature of impact);

(7) Cumulative and synergistic nature of impact;

(8) Other impact characteristics;

4) Identification and evaluation of significant impacts have been harmonised with the valid standards, regulations and limit values;

5) The applied methodology has been described.

#### 6. Measures and environmental impact monitoring programme

1) Measures of prevention and limiting of adverse impact, and increase of positive impact on the environment for each of the evaluated impact have been planned;

2) Method of developing the guidelines for elaboration of environmental impact assessments and other strategic assessments has been presented;

3) Environmental status monitoring programme has been prepared in accordance with Article 17 of this Law.

#### 7. Strategic assessment report

1) The role of the competent authorities in the strategic assessment elaboration has been clearly defined;

2) The report has been prepared in a clear and precise way;

3) All the elements of the report set forth in Article 12 of this Law have been considered and sources of information have been identified, including expert opinions;

4) The way in which the environmental issues have been included in plans and programmes has been outlined as well as the way in which decision making process has been carried out and the reasons have been described that have been decisive in selection of the given plan and programme from the aspect of alternative solutions that have been considered;

5) Conclusions on the strategic assessment report have been presented in the way understandable for public.

#### 8. Participation of authorities and organisations and public concerned

1) Participation of authorities and organisations and public concerned in the procedure of the strategic assessment elaboration has been provided;

2) The opinions of authorities and organisations and public concerned related to the strategic assessment have been submitted and the decision making process with respect of the submitted opinions has been presented.

## 4.2 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 European Parliament and the Council of the European Union,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty, in the light of the joint text approved by the Conciliation Committee on 21 March 2001,

Whereas:

(1) Article 174 of the Treaty provides that Community policy on the environment is to contribute to, inter alia, the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it is to be based on the precautionary principle. Article 6 of the Treaty provides that environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development.

(2) The Fifth Environment Action Programme: Towards sustainability – A European Community programme of policy and action in relation to the environment and sustainable development, supplemented by Council Decision No 2179/98/EC on its review, affirms the importance of assessing the likely environmental effects of plans and programmes.

(3) The Convention on Biological Diversity requires Parties to integrate as far as possible and as appropriate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans and programmes.

(4) Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment in the Member States, because it ensures that such effects of implementing plans and programmes are taken into account during their preparation and before their adoption.

(5) The adoption of environmental assessment procedures at the planning and programming level should benefit undertakings by providing a more consistent framework in which to operate by the inclusion of the relevant environmental information into decision making. The inclusion of a wider set of factors in decision making should contribute to more sustainable and effective solutions.

(6) The different environmental assessment systems operating within Member States should contain a set of common procedural requirements necessary to contribute to a high level of protection of the environment.

(7) The United Nations/Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991, which applies to both Member States and other States, encourages the parties to the Convention to apply its principles to plans and programmes as well; at the second meeting of the Parties to the Convention in Sofia on 26 and 27 February 2001, it was decided to prepare a legally binding protocol on strategic environmental assessment which would supplement the existing provisions on environmental impact assessment in a transboundary context, with a view to its possible adoption on the occasion of the 5th Ministerial Conference 'Environment for Europe' at an extraordinary meeting of the Parties to the Convention, scheduled for May 2003 in Kiev, Ukraine. The systems operating within the Community for environmental assessment of plans and programmes should ensure that there are adequate transboundary consultations where the implementation of a plan or programme being prepared in one Member State is likely to have significant effects on the environment of another Member State. The information on plans and programmes having significant effects on the environment of other States should be forwarded on a reciprocal and equivalent basis within an appropriate legal framework between Member States and these other States.

(8) Action is therefore required at Community level to lay down a minimum environmental assessment framework, which would set out the broad principles of the environmental assessment system and leave the details to the Member States, having regard to the principle of subsidiarity. Action by the Community should not go beyond what is necessary to achieve the objectives set out in the Treaty.



(9) This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States should take account, where appropriate, of the fact that assessments will be carried out at different levels of a hierarchy of plans and programmes.

(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ('), and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna, are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

(11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.

(12) When Member States make such determinations, they should take into account the relevant criteria set out in this Directive.

(13) Some plans or programmes are not subject to this Directive because of their particular characteristics.

(14) Where an assessment is required by this Directive, an environmental report should be prepared containing relevant information as set out in this Directive, identifying, describing and evaluating the likely significant environmental effects of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme; Member States should communicate to the Commission any measures they take concerning the quality of environmental reports.

(15) In order to contribute to more transparent decision making and with the aim of ensuring that the information supplied for the assessment is comprehensive and reliable, it is necessary to provide that authorities with relevant environmental responsibilities and the public are to be consulted during the assessment of plans and programmes, and that appropriate time frames are set, allowing sufficient time for consultations, including the expression of opinion.

(16) Where the implementation of a plan or programme prepared in one Member State is likely to have a significant effect on the environment of other Member States, provision should be made for the Member States concerned to enter into consultations and for the relevant authorities and the public to be informed and enabled to express their opinion.

(17) The environmental report and the opinions expressed by the relevant authorities and the public, as well as the results of any transboundary consultation, should be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

(18) Member States should ensure that, when a plan or programme is adopted, the relevant authorities and the public are informed and relevant information is made available to them.

(19) Where the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, such as Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, Directive 92/43/EEC, or Directive 2000/60/EC of the European Parliament and the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, in order to avoid duplication of the assessment, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation.

(20) A first report on the application and effectiveness of this Directive should be carried out by the Commission five years after its entry into force, and at seven-year intervals thereafter. With a view to further integrating environmental protection requirements, and taking into account the experience acquired, the first report should, if appropriate, be accompanied by proposals for amendment of this Directive, in particular as regards the possibility of extending its scope to other areas/sectors and other types of plans and programmes,

## HAVE ADOPTED THIS DIRECTIVE:

### Article 1.

#### Objectives

The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

## Article 2. Definitions

For the purposes of this Directive:

(a) 'plans and programmes' shall mean plans and programmes, including those co-financed by the European Community, as well as any modifications to them:

- which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and
- which are required by legislative, regulatory or administrative provisions;

(b) 'environmental assessment' shall mean the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9;

(c) 'environmental report' shall mean the part of the plan or programme documentation containing the information required in Article 5 and Annex I;

(d) 'The public' shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

## Article 3. Scope

1. An environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.

2. Subject to paragraph 3, an environmental assessment shall be carried out for all plans and programmes,

- (a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or
- (b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.

3. Plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and minor modifications to plans and programmes referred to in paragraph 2 shall require an environmental assessment only where the Member States determine that they are likely to have significant environmental effects.

4. Member States shall determine whether plans and programmes, other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects.

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

6. In the case-by-case examination and in specifying types of plans and programmes in accordance with paragraph 5, the authorities referred to in Article 6(3) shall be consulted.

7. Member States shall ensure that their conclusions pursuant to paragraph 5, including the reasons for not requiring an environmental assessment pursuant to Articles 4 to 9, are made available to the public.

8. The following plans and programmes are not subject to this Directive:

- plans and programmes the sole purpose of which is to serve national defence or civil emergency,
- financial or budget plans and programmes.

9. This Directive does not apply to plans and programmes co-financed under the current respective programming periods for Council Regulations (EC) No 1260/1999 <sup>(2)</sup> and (EC) No 1257/1999 <sup>(3)</sup>.

## Article 4. General obligations

1. The environmental assessment referred to in Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.

2. The requirements of this Directive shall either be integrated into existing procedures in Member States for the adoption of plans and programmes or incorporated in procedures established to comply with this Directive.

3. Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, inter alia, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3).

#### Article 5.

##### Environmental report

1. Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.

2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.

4. The authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the environmental report.

#### Article 6.

##### Consultations

1. The draft plan or programme and the environmental report prepared in accordance with Article 5 shall be made available to the authorities referred to in paragraph 3 of this Article and the public.

2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.

3. Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes.

4. Member States shall identify the public for the purposes of paragraph 2, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.

5. The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.

#### Article 7.

##### Transboundary consultations

1. Where a Member State considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant environmental report to the other Member State.

2. Where a Member State is sent a copy of a draft plan or programme and an environmental report under paragraph 1, it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates, the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate such effects.

Where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in Article 6(3) and the public referred to in Article 6(4) in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time-frame.

3. Where Member States are required under this Article to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable timeframe for the duration of the consultations.

#### Article 8.

##### Decision making

The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

## Article 9.

### Information on the decision

1. Member States shall ensure that, when a plan or programme is adopted, the authorities referred to in Article 6(3), the public and any Member State consulted under Article 7 are informed and the following items are made available to those so informed:
  - (a) the plan or programme as adopted;
  - (b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and
  - (c) the measures decided concerning monitoring in accordance with Article 10.
2. The detailed arrangements concerning the information referred to in paragraph 1 shall be determined by the Member States.

## Article 10.

### Monitoring

1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, *inter alia*, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.
2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.

## Article 11.

### Relationship with other Community legislation

1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.
2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, *inter alia*, to avoid duplication of assessment.
3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.

## Article 12.

### Information, reporting and review

1. Member States and the Commission shall exchange information on the experience gained in applying this Directive.
2. Member States shall ensure that environmental reports are of a sufficient quality to meet the requirements of this Directive and shall communicate to the Commission any measures they take concerning the quality of these reports.
3. Before 21 July 2006 the Commission shall send a first report on the application and effectiveness of this Directive to the European Parliament and to the Council.

With a view further to integrating environmental protection requirements, in accordance with Article 6 of the Treaty, and taking into account the experience acquired in the application of this Directive in the Member States, such a report will be accompanied by proposals for amendment of this Directive, if appropriate. In particular, the Commission will consider the possibility of extending the scope of this Directive to other areas/sectors and other types of plans and programmes.

A new evaluation report shall follow at seven-year intervals.
4. The Commission shall report on the relationship between this Directive and Regulations (EC) No 1260/1999 and (EC) No 1257/1999 well ahead of the expiry of the programming periods provided for in those Regulations, with a view to ensuring a coherent approach with regard to this Directive and subsequent Community Regulations.

## Article 13.

### Implementation of the Directive

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 21 July 2004. They shall forthwith inform the Commission thereof.
2. When Member States adopt the measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.



3. The obligation referred to in Article 4(1) shall apply to the plans and programmes of which the first formal preparatory act is subsequent to the date referred to in paragraph 1. Plans and programmes of which the first formal preparatory act is before that date and which are adopted or submitted to the legislative procedure more than 24 months thereafter, shall be made subject to the obligation referred to in Article 4(1) unless Member States decide on a case by case basis that this is not feasible and inform the public of their decision.

4. Before 21 July 2004, Member States shall communicate to the Commission, in addition to the measures referred to in paragraph 1, separate information on the types of plans and programmes which, in accordance with Article 3, would be subject to an environmental assessment pursuant to this Directive. The Commission shall make this information available to the Member States. The information will be updated on a regular basis.

#### Article 14.

#### Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

#### Article 15.

#### Addressees

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 2001.

For the European Parliament

The President, *N. Fontaine*

For the Council

The President, *Z. Rosengren*

### ANNEX I

#### Information referred to in Article 5(1)

The information to be provided under Article 5(1), subject to Article 5(2) and (3), is the following:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
- (e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects (1) on the environment, including on issues such as 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;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (h) an outline of the reasons for selecting the alternatives dealt with, and 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;
- (i) a description of the measures envisaged concerning monitoring in accordance with Article 10;
- (j) a non-technical summary of the information provided under the above headings.

### ANNEX II

#### Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to
  - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use,
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

# 4.3 Law on Ratification of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context

“Official Gazette of the Republic of Serbia – International Agreements”,  
No. 1/2010

## Article 1

The Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context done on 21st of May 2003 in Kiev, Ukraine in English, French and Russian as authentic texts shall hereby be ratified and confirmed.

## Article 2

The original text of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context in English and its Serbian translation reads as follows:

## PROTOCOL

### ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

*The Parties to this Protocol,*

*Recognizing* the importance of integrating environmental, including health, considerations into the preparation and adoption of plans and programmes and, to the extent appropriate, policies and legislation,

*Committing* themselves to promoting sustainable development and therefore basing themselves on the conclusions of the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 1992), in particular principles 4 and 10 of the Rio Declaration on Environment and Development and Agenda 21, as well as the outcome of the third Ministerial Conference on Environment and Health (London, 1999) and the World Summit on Sustainable Development (Johannesburg, South Africa, 2002),

*Bearing in mind* the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991, and decision II/9 of its Parties at Sofia on 26 and 27 February 2001, in which it was decided to prepare a legally binding protocol on strategic environmental assessment,

*Recognizing* that strategic environmental assessment should have an important role in the preparation and adoption of plans, programmes, and, to the extent appropriate, policies and legislation, and that the wider application of the principles of environmental impact assessment to plans, programmes, policies and legislation will further strengthen the systematic analysis of their significant environmental effects,

*Acknowledging* the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998, and taking note of the relevant paragraphs of the Lucca Declaration, adopted at the first meeting of its Parties,

*Conscious*, therefore, of the importance of providing for public participation in strategic environmental assessment,

*Acknowledging* the benefits to the health and wellbeing of present and future generations that will follow if the need to protect and improve people's health is taken into account as an integral part of strategic environmental assessment, and recognizing the work led by the World Health Organization in this respect,

*Mindful* of the need for and importance of enhancing international cooperation in assessing the transboundary environmental, including health, effects of proposed plans and programmes, and, to the extent appropriate, policies and legislation,

Have agreed as follows:

## Article 1

### Objective

The objective of this Protocol is to provide for a high level of protection of the environment, including health, by:

- a) Ensuring that environmental, including health, considerations are thoroughly taken into account in the development of plans and programmes;
- (b) Contributing to the consideration of environmental, including health, concerns in the preparation of policies and legislation;
- (c) Establishing clear, transparent and effective procedures for strategic environmental assessment;
- (d) Providing for public participation in strategic environmental assessment; and
- (e) Integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development.

## Article 2

### Definitions

For the purposes of this Protocol,

1. "Convention" means the Convention on Environmental Impact Assessment in a Transboundary Context.
2. "Party" means, unless the text indicates otherwise, a Contracting Party to this Protocol.
3. "Party of origin" means a Party or Parties to this Protocol within whose jurisdiction the preparation of a plan or programme is envisaged.
4. "Affected Party" means a Party or Parties to this Protocol likely to be affected by the transboundary environmental, including health, effects of a plan or programme.
5. "Plans and programmes" means plans and programmes and any modifications to them that are:
  - (a) Required by legislative, regulatory or administrative provisions; and
  - (b) Subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government.
6. "Strategic environmental assessment" means the evaluation of the likely environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the carrying out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme.
7. "Environmental, including health, effect" means any effect on the environment, including human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites, material assets, cultural heritage and the interaction among these factors.
8. "The public" means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups.

## Article 3

### General provisions

1. Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework.
2. Each Party shall endeavour to ensure that officials and authorities assist and provide guidance to the public in matters covered by this Protocol.
3. Each Party shall provide for appropriate recognition of and support to associations, organizations or groups promoting environmental, including health, protection in the context of this Protocol.
4. The provisions of this Protocol shall not affect the right of a Party to maintain or introduce additional measures in relation to issues covered by this Protocol.
5. Each Party shall promote the objectives of this Protocol in relevant international decision-making processes and within the framework of relevant international organizations.
6. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Protocol shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.
7. Within the scope of the relevant provisions of this Protocol, the public shall be able to exercise its rights without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

## Article 4

### Field of application concerning plans and programmes

1. Each Party shall ensure that a strategic environmental assessment is carried out for plans and programmes referred to in paragraphs 2, 3 and 4 which are likely to have significant environmental, including health, effects.



2. A strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and which set the framework for future development consent for projects listed in annex I and any other project listed in annex II that requires an environmental impact assessment under national legislation.
3. For plans and programmes other than those subject to paragraph 2 which set the framework for future development consent of projects, a strategic environmental assessment shall be carried out where a Party so determines according to article 5, paragraph 1.
4. For plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and for minor modifications to plans and programmes referred to in paragraph 2, a strategic environmental assessment shall be carried out only where a Party so determines according to article 5, paragraph 1.
5. The following plans and programmes are not subject to this Protocol:
  - (a) Plans and programmes whose sole purpose is to serve national defence or civil emergencies;
  - (b) Financial or budget plans and programmes.

## Article 5

### Screening

1. Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose each Party shall in all cases take into account the criteria set out in annex III.
2. Each Party shall ensure that the environmental and health authorities referred to in article 9, paragraph 1, are consulted when applying the procedures referred to in paragraph 1 above.
3. To the extent appropriate, each Party shall endeavor to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.
4. Each Party shall ensure timely public availability of the conclusions pursuant to paragraph 1, including the reasons for not requiring a strategic environmental assessment, whether by public notices or by other appropriate means, such as electronic media.

## Article 6

### Scoping

1. Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.
2. Each Party shall ensure that the environmental and health authorities referred to in article 9, paragraph 1, are consulted when determining the relevant information to be included in the environmental report.
3. To the extent appropriate, each Party shall endeavor to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.

## Article 7

### Environmental report

1. For plans and programmes subject to strategic environmental assessment, each Party shall ensure that an environmental report is prepared.
2. The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives. The report shall contain such information specified in annex IV as may reasonably be required, taking into account:
  - (a) Current knowledge and methods of assessment;
  - (b) The contents and the level of detail of the plan or programme and its stage in the decision-making process;
  - (c) The interests of the public; and
  - (d) The information needs of the decision-making body.
3. Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.

## Article 8

### Public participation

1. Each Party shall ensure early, timely and effective opportunities for public participation, when all options are open, in the strategic environmental assessment of plans and programmes.

2. Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.
3. Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.
4. Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.
5. Each Party shall ensure that the detailed arrangements for informing the public and consulting the public concerned are determined and made publicly available. For this purpose, each Party shall take into account to the extent appropriate the elements listed in annex V.

## Article 9

### Consultation with environmental and health authorities

1. Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.
2. The draft plan or programme and the environmental report shall be made available to the authorities referred to in paragraph 1.
3. Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.
4. Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.

## Article 10

### Transboundary consultations

1. Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.
2. This notification shall contain, inter alia:
  - (a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and
  - (b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.
3. The affected Party shall, within the time specified in the notification, indicate to the Party of origin whether it wishes to enter into consultations before the adoption of the plan or programme and, if it so indicates, the Parties concerned shall enter into consultations concerning the likely transboundary environmental, including health, effects of implementing the plan or programme and the measures envisaged to prevent, reduce or mitigate adverse effects.
4. Where such consultations take place, the Parties concerned shall agree on detailed arrangements to ensure that the public concerned and the authorities referred to in article 9, paragraph 1, in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame.

## Article 11

### Decision

1. Each Party shall ensure that when a plan or programme is adopted due account is taken of:
  - (a) The conclusions of the environmental report;
  - (b) The measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and
  - (c) The comments received in accordance with articles 8 to 10.
2. Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities referred to in article 9, paragraph 1, and the Parties consulted according to article 10 are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received in accordance with articles 8 to 10 have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.

## Article 12

### Monitoring

1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes, adopted under article 11 in order, inter alia, to identify, at an early stage, unforeseen adverse effects and to be able to undertake appropriate remedial action.

2. The results of the monitoring undertaken shall be made available, in accordance with national legislation, to the authorities referred to in article 9, paragraph 1, and to the public.

### Article 13

#### Policies and legislation

1. Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.
2. In applying paragraph 1, each Party shall consider the appropriate principles and elements of this Protocol.
3. Each Party shall determine, where appropriate, the practical arrangements for the consideration and integration of environmental, including health, concerns in accordance with paragraph 1, taking into account the need for transparency in decision-making.
4. Each Party shall report to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol on its application of this article.

### Article 14

#### The meeting of the parties to the convention serving as the meeting of the parties to the protocol

1. The Meeting of the Parties to the Convention shall serve as the Meeting of the Parties to this Protocol. The first meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall be convened not later than one year after the date of entry into force of this Protocol, and in conjunction with a meeting of the Parties to the Convention, if a meeting of the latter is scheduled within that period. Subsequent meetings of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall be held in conjunction with meetings of the Parties to the Convention, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol.
2. Parties to the Convention which are not Parties to this Protocol may participate as observers in the proceedings of any session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol. When the Meeting of the Parties to the Convention serves as the Meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by the Parties to this Protocol.
3. When the Meeting of the Parties to the Convention serves as the Meeting of the Parties to this Protocol, any member of the Bureau of the Meeting of the Parties representing a Party to the Convention that is not, at that time, a Party to this Protocol shall be replaced by another member to be elected by and from amongst the Parties to this Protocol.
4. The Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and, for this purpose, shall:
  - (a) Review policies for and methodological approaches to strategic environmental assessment with a view to further improving the procedures provided for under this Protocol;
  - (b) Exchange information regarding experience gained in strategic environmental assessment and in the implementation of this Protocol;
  - (c) Seek, where appropriate, the services and cooperation of competent bodies having expertise pertinent to the achievement of the purposes of this Protocol;
  - (d) Establish such subsidiary bodies as it considers necessary for the implementation of this Protocol;
  - (e) Where necessary, consider and adopt proposals for amendments to this Protocol; and
  - (f) Consider and undertake any additional action, including action to be carried out jointly under this Protocol and the Convention, that may be required for the achievement of the purposes of this Protocol.
5. The rules of procedure of the Meeting of the Parties to the Convention shall be applied *mutatis mutandis* under this Protocol, except as may otherwise be decided by consensus by the Meeting of the Parties serving as the Meeting of the Parties to this Protocol.
6. At its first meeting, the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall consider and adopt the modalities for applying the procedure for the review of compliance with the Convention to this Protocol.
7. Each Party shall, at intervals to be determined by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol, report to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on measures that it has taken to implement the Protocol.

### Article 15

#### Relationship to other international agreements

The relevant provisions of this Protocol shall apply without prejudice to the UNECE Conventions on Environmental Impact Assessment in a Transboundary Context and on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

## Article 16

### Right to vote

1. Except as provided for in paragraph 2 below, each Party to this Protocol shall have one vote.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

## Article 17

### Secretariat

The secretariat established by article 13 of the Convention shall serve as the secretariat of this Protocol and article 13, paragraphs (a) to (c), of the Convention on the functions of the secretariat shall apply *mutatis mutandis* to this Protocol.

## Article 18

### Annexes

The annexes to this Protocol shall constitute an integral part thereof.

## Article 19

### Amendments to the protocol

1. Any Party may propose amendments to this Protocol.
2. Subject to paragraph 3, the procedure for proposing, adopting and the entry into force of amendments to the Convention laid down in paragraphs 2 to 5 of article 14 of the Convention shall apply, *mutatis mutandis*, to amendments to this Protocol.
3. For the purpose of this Protocol, the three fourths of the Parties required for an amendment to enter into force for Parties having ratified, approved or accepted it, shall be calculated on the basis of the number of Parties at the time of the adoption of the amendment.

## Article 20

### Settlement of disputes

The provisions on the settlement of disputes of article 15 of the Convention shall apply *mutatis mutandis* to this Protocol.

## Article 21.

### Signature

This Protocol shall be open for signature at Kiev (Ukraine) from 21 to 23 May 2003 and thereafter at United Nations Headquarters in New York until 31 December 2003, by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraphs 8 and 11 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence over matters governed by this Protocol, including the competence to enter into treaties in respect of these matters.

## Article 22

### Depositary

The Secretary-General of the United Nations shall act as the Depositary of this Protocol.

## Article 23

### Ratification, acceptance, approval and accession

1. This Protocol shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations referred to in article 21.
2. This Protocol shall be open for accession as from 1 January 2004 by the States and regional economic integration organizations referred to in article 21.
3. Any other State, not referred to in paragraph 2 above, that is a Member of the United Nations may accede to the Protocol upon approval by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.
4. Any regional economic integration organization referred to in article 21 which becomes a Party to this Protocol without any of its member States being a Party shall be bound by all the obligations under this Protocol. If one or more of such an organization's member States is a Party to this



Protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organization and its member States shall not be entitled to exercise rights under this Protocol concurrently.

5. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 21 shall declare the extent of their competence with respect to the matters governed by this Protocol. These organizations shall also inform the Depositary of any relevant modification to the extent of their competence.

## Article 24

### Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the sixteenth instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 above, any instrument deposited by a regional economic integration organization referred to in article 21 shall not be counted as additional to those deposited by States members of such an organization.

3. For each State or regional economic integration organization referred to in article 21 which ratifies, accepts or approves this Protocol or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

4. This Protocol shall apply to plans, programmes, policies and legislation for which the first formal preparatory act is subsequent to the date on which this Protocol enters into force. Where the Party under whose jurisdiction the preparation of a plan, programme, policy or legislation is envisaged is one for which paragraph 3 applies, this Protocol shall apply to plans, programmes, policies and legislation for which the first formal preparatory act is subsequent to the date on which this Protocol comes into force for that Party.

## Article 25

### Withdrawal

At any time after four years from the date on which this Protocol has come into force with respect to a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the Depositary. Any such withdrawal shall not affect the application of articles 5 to 9, 11 and 13 with respect to a strategic environmental assessment under this Protocol which has already been started, or the application of article 10 with respect to a notification or request which has already been made, before such withdrawal takes effect.

## Article 26

### Authentic texts

The original of this Protocol, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Protocol.

DONE at Kiev (Ukraine), this twenty-first day of May, two thousand and three.

## ANNEX I

### LIST OF PROJECTS AS REFERRED TO IN ARTICLE 4, PARAGRAPH 2

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.

2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.

4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons of finished product; for friction material, with an annual production of more than 50 metric tons of finished product; and for other asbestos utilization of more than 200 metric tons per year.

6. Integrated chemical installations.
7. Construction of motorways, express roads<sup>1</sup> and lines for long-distance railway traffic and of airports<sup>2</sup> with a basic runway length of 2,100 metres or more.
8. Large-diameter oil and gas pipelines.
9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons.
10. Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.
11. Large dams and reservoirs.
12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.
13. Pulp and paper manufacturing of 200 air-dried metric tons or more per day.
14. Major mining, on-site extraction and processing of metal ores or coal.
15. Offshore hydrocarbon production.
16. Major storage facilities for petroleum, petrochemical and chemical products.
17. Deforestation of large areas.

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<sup>1</sup> For the purposes of this Protocol: "Motorway" means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:

- (a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;
- (b) Does not cross at level with any road, railway or tramway track, or footpath; and
- (c) Is specially sign posted as a motorway.

"Express road" means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

<sup>2</sup> For the purposes of this Protocol, "airport" means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

## ANNEX II

### ANY OTHER PROJECTS REFERRED TO IN ARTICLE 4, PARAGRAPH 2

1. Projects for the restructuring of rural land holdings.
2. Projects for the use of uncultivated land or seminatural areas for intensive agricultural purposes.
3. Water management projects for agriculture, including irrigation and land drainage projects.
4. Intensive livestock installations (including poultry).
5. Initial afforestation and deforestation for the purposes of conversion to another type of land use.
6. Intensive fish farming.
7. Nuclear power stations and other nuclear reactors<sup>3</sup> / including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kilowatt continuous thermal load), as far as not included in Annex I.
8. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of 15 kilometres or more and other projects for the transmission of electrical energy by overhead cables.
9. Industrial installations for the production of electricity, steam and hot water.
10. Industrial installations for carrying gas, steam and hot water.
11. Surface storage of fossil fuels and natural gas.
12. Underground storage of combustible gases.
13. Industrial briquetting of coal and lignite.

14. Installations for hydroelectric energy production.
15. Installations for the harnessing of wind power for energy production (wind farms).
16. Installations, as far as not included in annex I, designed:
  - For the production or enrichment of nuclear fuel;
  - For the processing of irradiated nuclear fuel;
  - For the final disposal of irradiated nuclear fuel;
  - Solely for the final disposal of radioactive waste;
  - Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels in a different site than the production site; or
  - For the processing and storage of radioactive waste.
17. Quarries, open cast mining and peat extraction, as far as not included in annex I.
18. Underground mining, as far as not included in annex I.
19. Extraction of minerals by marine or fluvial dredging.
20. Deep drillings (in particular geothermal drilling, drilling for the storage of nuclear waste material, drilling for water supplies), with the exception of drillings for investigating the stability of the soil.
21. Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.
22. Integrated works for the initial smelting of cast iron and steel, as far as not included in annex I.
23. Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.
24. Installations for the processing of ferrous metals (hotrolling mills, smitheries with hammers, application of protective fused metal coats).
25. Ferrous metal foundries.
26. Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes, as far as not included in annex I.
27. Installations for the smelting, including the alloyage, of non-ferrous metals excluding precious metals, including recovered products (refining, foundry casting, etc.), as far as not included in annex I.
28. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process.
29. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines.
30. Shipyards.
31. Installations for the construction and repair of aircraft.
32. Manufacture of railway equipment.
33. Swaging by explosives.
34. Installations for the roasting and sintering of metallic ores.
35. Coke ovens (dry coal distillation).
36. Installations for the manufacture of cement.
37. Installations for the manufacture of glass including glass fibre.
38. Installations for smelting mineral substances including the production of mineral fibres.
39. Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.
40. Installations for the production of chemicals or treatment of intermediate products, as far as not included in annex I.
41. Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides.
42. Installations for the storage of petroleum, petrochemical, or chemical products, as far as not included in annex I.
43. Manufacture of vegetable and animal oils and fats.
44. Packing and canning of animal and vegetable products.
45. Manufacture of dairy products.
46. Brewing and malting.

47. Confectionery and syrup manufacture.
48. Installations for the slaughter of animals.
49. Industrial starch manufacturing installations.
50. Fish-meal and fish-oil factories.
51. Sugar factories.
52. Industrial plants for the production of pulp, paper and board, as far as not included in annex I.
53. Plants for the pre-treatment or dyeing of fibres or textiles.
54. Plants for the tanning of hides and skins.
55. Cellulose-processing and production installations.
56. Manufacture and treatment of elastomer-based products.
57. Installations for the manufacture of artificial mineral fibres.
58. Installations for the recovery or destruction of explosive substances.
59. Installations for the production of asbestos and the manufacture of asbestos products, as far as not included in annex I.
60. Knackers' yards.
61. Test benches for engines, turbines or reactors.
62. Permanent racing and test tracks for motorized vehicles.
63. Pipelines for transport of gas or oil, as far as not included in annex I.
64. Pipelines for transport of chemicals with a diameter of more than 800 mm and a length of more than 40 km.
65. Construction of railways and intermodal transshipment facilities, and of intermodal terminals, as far as not included in annex I.
66. Construction of tramways, elevated and underground railways, suspended lines or similar lines of a particular type used exclusively or mainly for passenger transport.
67. Construction of roads, including realignment and/or widening of any existing road, as far as not included in annex I.
68. Construction of harbours and port installations, including fishing harbours, as far as not included in annex I.
69. Construction of inland waterways and ports for inland-waterway traffic, as far as not included in annex I.
70. Trading ports, piers for loading and unloading connected to land and outside ports, as far as not included in annex I.
71. Canalization and flood-relief works.
72. Construction of airports<sup>a</sup> and airfields, as far as not included in annex I.
73. Waste-disposal installations (including landfill), as far as not included in annex I.
74. Installations for the incineration or chemical treatment of non-hazardous waste.
75. Storage of scrap iron, including scrap vehicles.
76. Sludge deposition sites.
77. Groundwater abstraction or artificial groundwater recharge, as far as not included in annex I.
78. Works for the transfer of water resources between river basins.
79. Waste-water treatment plants.
80. Dams and other installations designed for the holdingback or for the long-term or permanent storage of water, as far as not included in annex I.
81. Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.
82. Installations of long-distance aqueducts.
83. Ski runs, ski lifts and cable cars and associated developments.
84. Marinas.



85. Holiday villages and hotel complexes outside urban areas and associated developments.
86. Permanent campsites and caravan sites.
87. Theme parks.
88. Industrial estate development projects.
89. Urban development projects, including the construction of shopping centres and car parks.
90. Reclamation of land from the sea.

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<sup>a</sup> For the purposes of this Protocol, “airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (annex 14).

### ANNEX III

#### CRITERIA FOR DETERMINING OF THE LIKELY SIGNIFICANT ENVIRONMENTAL, INCLUDING HEALTH, EFFECTS REFERRED TO IN ARTICLE 5, PARAGRAPH 1

1. The relevance of the plan or programme to the integration of environmental, including health, considerations in particular with a view to promoting sustainable development.
2. The degree to which the plan or programme sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources.
3. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.
4. Environmental, including health, problems relevant to the plan or programme.
5. The nature of the environmental, including health, effects such as probability, duration, frequency, reversibility, magnitude and extent (such as geographical area or size of population likely to be affected).
6. The risks to the environment, including health.
7. The transboundary nature of effects.
8. The degree to which the plan or programme will affect valuable or vulnerable areas including landscapes with a recognized national or international protection status.

### ANNEX IV

#### INFORMATION REFERRED TO IN ARTICLE 7, PARAGRAPH 2

1. The contents and the main objectives of the plan or programme and its link with other plans or programmes.
2. The relevant aspects of the current state of the environment, including health, and the likely evolution thereof should the plan or programme not be implemented.
3. The characteristics of the environment, including health, in areas likely to be significantly affected.
4. The environmental, including health, problems which are relevant to the plan or programme.
5. The environmental, including health, objectives established at international, national and other levels which are relevant to the plan or programme, and the ways in which these objectives and other environmental, including health, considerations have been taken into account during its preparation.
6. The likely significant environmental, including health, effects as defined in article 2, paragraph 7.
7. Measures to prevent, reduce or mitigate any significant adverse effects on the environment, including health, which may result from the implementation of the plan or programme.
8. An outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken including difficulties encountered in providing the information to be included such as technical deficiencies or lack of knowledge.
9. Measures envisaged for monitoring environmental, including health, effects of the implementation of the plan or programme.
10. The likely significant transboundary environmental, including health, effects.
11. A non-technical summary of the information provided.

ANNEX V  
INFORMATION REFERRED TO IN ARTICLE 8, PARAGRAPH 5

1. The proposed plan or programme and its nature.
2. The authority responsible for its adoption.
3. The envisaged procedure, including:
  - (a) The commencement of the procedure;
  - (b) The opportunities for the public to participate;
  - (c) The time and venue of any envisaged public hearing;
  - (d) The authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;
  - (e) The authority to which comments or questions can be submitted and the time schedule for the transmittal of comments or questions; and
  - (f) What environmental, including health, information relevant to the proposed plan or programme is available.
4. Whether the plan or programme is likely to be subject to a transboundary assessment procedure.

Article 3

This Law shall enter into force on the eighth day after the date of publication in the "Official Gazette of the Republic of Serbia – International Agreements".



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