

EIA/SEA Directives: screening and cumulative impacts

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Understanding Cumulative Impacts

The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions...

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time

Temporal
Consideration

Spatial
Consideration

**Projects
cannot be
assessed in
isolation**

Cumulative Impacts and the EIA Directive

2011/92/EU / Screening stage

Screening Article 4 (2)

Subject to Article 2(4), for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States shall make that determination through:

- (a) a case-by-case examination; or
- (b) thresholds or criteria set by the Member State.

Member States may decide to apply both procedures referred to in points (a) and (b).

Screening Article 4 (3)

When a case-by-case examination is carried out or thresholds or criteria are set for the purpose of paragraph 2, the relevant selection criteria set out in Annex III shall be taken into account.

Annex III Selection Criteria:

1. Characteristics of Projects

The characteristics of projects must be considered having regard, in particular, to: (b) the cumulation with other projects;

Cumulative Impacts and the EIA Directive 2014/52/EU / screening stage

Annex III Selection Criteria:

1. Characteristics of Projects

The characteristics of projects must be considered having regard, in particular, to: (b) cumulation with other **existing and/or approved** projects;

.....

3. Type and characteristics of the potential impact The likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 of this Annex, with regard to the impact of the project on the factors specified in Article 3(1), taking into account:

...

(g) the cumulation of the impact with the impact of other existing and/or approved projects;

.....

Screening
Article 4 (3)

Cumulative Impacts and the SEA Directive 2001/42/EC / screening stage

Screening Article 3 (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.

Annex II

ANNEX II

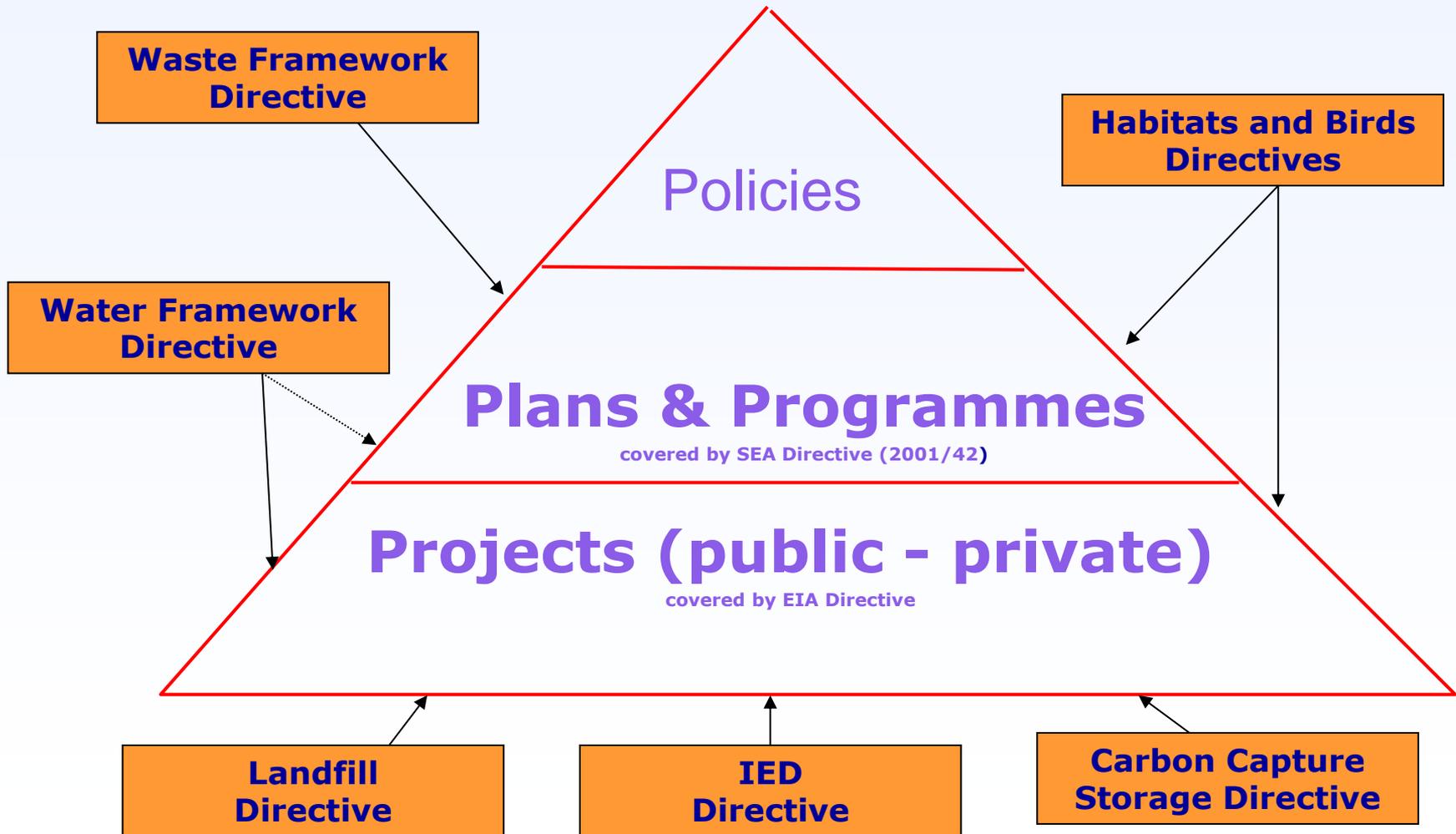
Criteria for determining the likely significance of effects referred to in Article 3(5)

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

.....- the **cumulative** nature of the effects

Mapping the cumulative impacts in order to address them at the right stage

Environmental Assessments



Links between EIA/SEA and Habitat's Directive

- ❑ Many similarities but also important differences (scope, content, implications)
- ❑ An Appropriate Assessment is triggered by the likelihood of significant effects (screening)
- ❑ Assessment of the likelihood of impacts is done in view of the site's conservation objectives (for species/ habitats for which site designated)
- ❑ Cumulative effects need to be considered

Links between EIA/SEA and Habitat's Directive

	Appropriate Assessment	EIA (amended Dir.)	SEA
Which type of development covered?	Any plan or project likely to have an adverse effect on a Natura 2000 site	Projects listed in Annex I. Annex II projects determined on a case by case basis through thresholds or criteria (biodiversity taken into account for screening)	Any Plan or Programme (a) for certain sectors which set the framework for future development consent, or (b) that requires AA under Art. 6 HD
What impacts need to be assessed relevant to nature?	Assessment in view of the site's conservation objectives (for species/habitats for which site designated)	significant effects on biodiversity , with particular attention to species and habitats protected under the Habitats and Birds Directives.	Likely significant effects on the environment , including on issues such as biodiversity, fauna, flora & interrelationship

Links between EIA/SEA and Habitat's Directive

	Appropriate Assessment	EIA	SEA
Who carries out the Assessment?	Responsibility of the competent authority but developer may need to provide necessary studies & information	The developer provides necessary information to be taken into account by the competent authority	Competent planning authority
Are the public/ Other authorities consulted?	Not obligatory but encouraged (the public 'if appropriate')	Compulsory consultation to be done before adoption of the proposal	Compulsory consultation to be done before adopting the PP
How binding are the outcomes?	Binding . Agreement to the plan/project only if it will not affect the integrity of the site	Result of consultations and information must be taken into consideration in the development consent procedure	Environmental report & opinions expressed shall be taken into account during the preparation of the plan/program

- ❑ Article 4.7: New modifications preventing the achievement of good ecological status and/or leading to deterioration are allowed under the following conditions:
 - a) All practicable mitigation measures are taken
 - b) The project and the reasons for it are reported in River Basin Management Plans and hence subject to public consultation
 - c) The benefits of the development outweigh the benefits of achieving the WFD objectives / the development is of overriding public interest
 - d) There are no significant better environmental options

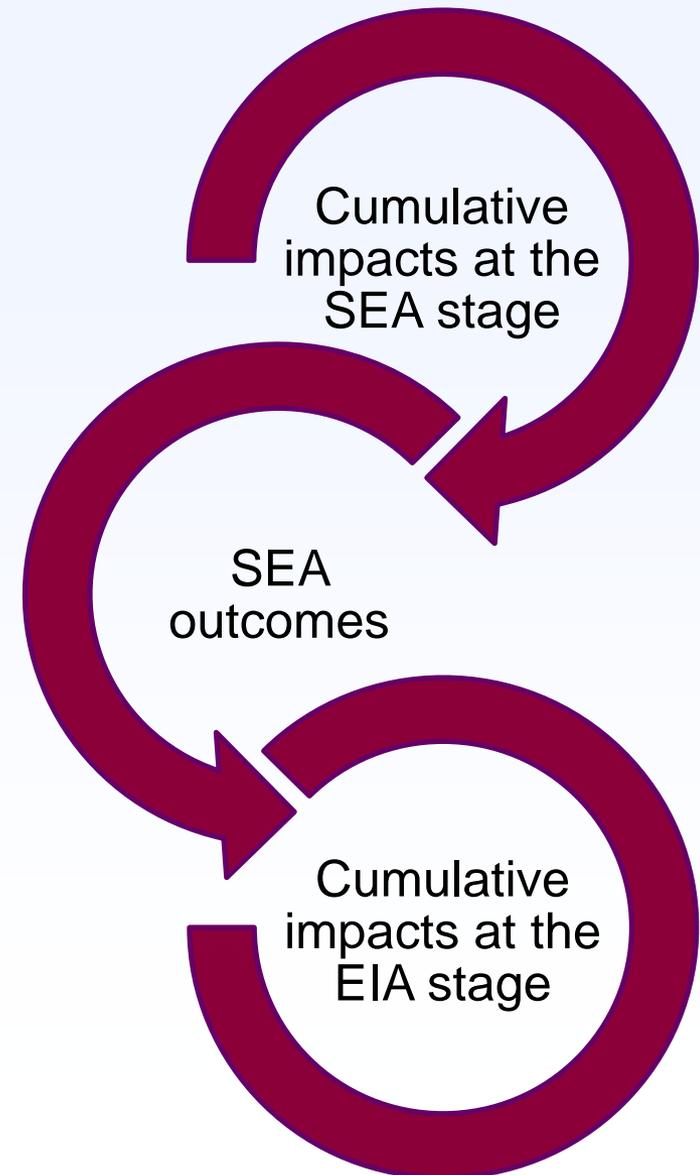
- ❑ National legal frameworks should allow for effective application
- ❑ Permitting authorities should be bound to ensure the conditions of Article 4(7) are met before granting permits for concrete projects
- ❑ National frameworks where authorities are merely asked to "take into account" the WFD objectives or can get away with generic assessments are not in line with the WFD obligations
- ❑ Cumulative impacts should be considered (also at the screening stage)

Links between SEA and EIA

Identifying cumulative impacts at the SEA stage, offers an opportunity to address them at a strategic level

The SEA outcomes are used to inform the EIA process

The assessment of cumulative impacts is also incorporated into the EIA process



Distinguishing between the different types of plans and programmes

Policy-orientated – overarching plan for considering proposals that are not location-specific;

Area-wide plans (regional) - broad characterisation of the entire study area to consider location-specific proposals within a wide geographic extent;

Specific Sectoral and Zone – where more detailed assessment may be required to consider local proposals;

Most plans and programmes tend to be a combination of these different elements. The exact form an assessment of cumulative effects will take for different plans or programmes is likely to be different for each type of plan or programme.

Challenges when screening for cumulative impacts

- Difficulty to conceptualize cause-and-effect relationships;
- Data deficiencies make it difficult to conduct a reasonable assessment of secondary and further impacts;
- Individual project proponents do not consider addressing cumulative impacts as their concern;
- Spatial and temporal boundaries are not adequately defined; and
- EIAs often have a site-specific focus.

Challenges: Defining the spatial boundaries of assessment

- The physical boundaries of a project do not provide the required scope to conceptualise cumulative impacts

Adopting administrative borders as spatial boundaries of assessment could hinder the assessment of cumulative impacts

Appropriate spatial boundaries (geographical/ecosystem) will often not coincide with administrative borders

Challenges: Defining the temporal boundaries of assessment

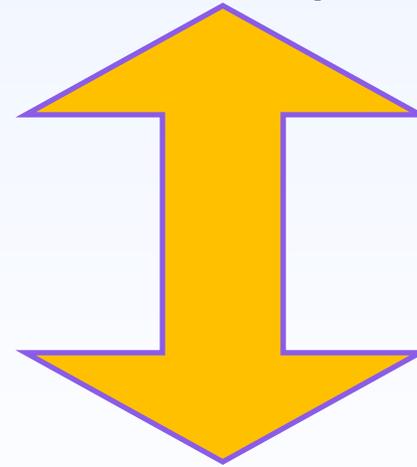
When trying to capture impacts in time

Depends on existing monitoring of impacts and availability of information

Certainty

Impacts from existing projects

Impacts from approved projects



Less Certainty

Depends on availability of information

- Various methods and techniques can be implemented in order to consider cumulative impacts when screening
- Scoping, early and effective public participation, accessible and good quality data and monitoring can facilitate cumulative impacts consideration
- Institutional arrangements (national / regional level) need to be in place in order to facilitate the consideration of cumulative impacts