THE INTRODUCTION OF STRATEGIC ENVIRONMENTAL ASSESSMENT IN FLANDERS (BELGIUM): EXAMINING ATTITUDES OF PERSONS INVOLVED, PROPOSALS FOR AN SEA SYSTEM, AND FUTURE CHALLENGES

Introduction

EIA was introduced in the Flemish Region of Belgium in 1989 and is still limited mainly to EIA at project level today. Examination of the efficiency of the existing EIA system in Flanders shows - among other problems - a clear need for impact assessment at the level of planning and policy making (Devuyst et al. 1993). Today, Flemish authorities try to overcome the lack of a formal system for strategic environmental assessment (SEA) with the introduction of so-called feasibility studies. These are EIAs of plans, are prepared voluntary by certain authorities and follow the same procedures as the project level EIA. This solution clearly has its limitations, since there is no obligation, no formal procedure, no guideline and standard or specialized authority for these feasibility studies. Because of these limitations and the intention of the European Commission to introduce an EC Directive “on the assessment of the effects of certain plans and programmes on the environment”, the EIA Center at the Human Ecology Department, Vrije Universiteit Brussel, was asked by the Ministry of the Flemish Community to develop a user-friendly methodology for SEA to be introduced into decision-making by the Flemish government (van Wijngaarden et al. 1997). A survey among all stakeholders on the introduction of SEA was carried out. This paper is divided in two main parts: firstly, it gives an overview of the most important survey results; secondly, it discusses proposals for an SEA system for Flanders and the challenges facing its introduction.

Methodology

Survey methodology

The survey was done on the basis of four target group adapted questionnaires.

Following four groups were contacted:

a) the heads of the administrative services of the departments of the Ministry of the Flemish Community;
b) the EIA experts accredited by the Flemish authorities;
c) the authority which supervises the EIA implementation in Flanders;
d) representatives of the Belgian employers, the unions, environmental pressure groups, political parties, and Flemish advisory boards.

All questionnaires were sent by mail and a written response was awaited. Reminders were mailed to those who did not respond. Most questions had a closed nature, which means that a number of possible replies were suggested to the respondent. However, the possibility was left open to fill in an alternative reply. Key persons expressing exceptional interest in the subject were contacted and further interviewed in person or over the phone.

An inventory project of the Human Ecology Department on existing SEA systems world-wide (Janssens et al. 1996) provided basic data. It was updated during the course of the project and complemented with recent scientific literature. Other information sources were a survey conducted at provincial and local government levels (Devuyst et al. 1998), and the previously discussed survey among key-stakeholders. Furthermore, the decision-making processes in the Flemish administration were examined.

Results of the survey among stakeholders

This section gives an overview of the most important survey results:

a) response

Table 1 shows the response rate for the different groups which were contacted. The response rate for EIA experts can be considered sufficient and the response rate for the other groups is high. It should be noted that the surveys for the EIA experts and staff of the supervisory authority is filled on an individual basis. The surveys for the administrative services and other stakeholders is filled by a representative of the respective organisations. Not all these groups had an official position in relation to SEA. Therefore, the replies sometimes only reflect the viewpoints of the environmental specialists working in the respective organisations.
Table 1. Response rate for the four groups contacted

<table>
<thead>
<tr>
<th>Group</th>
<th>Number of ys sent</th>
<th>Number of surveys received</th>
<th>Percentage of response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative services</td>
<td>150</td>
<td>100</td>
<td>67 %</td>
</tr>
<tr>
<td>EIA experts</td>
<td>239</td>
<td>72</td>
<td>30 %</td>
</tr>
<tr>
<td>Authority which supervises EIA implementation</td>
<td>5</td>
<td>4</td>
<td>80 %</td>
</tr>
<tr>
<td>Representatives of Belgian employers, unions, environmental pressure groups, political parties, and advisory boards</td>
<td>13</td>
<td>9</td>
<td>69 %</td>
</tr>
</tbody>
</table>

Table 2 gives an overview of the absolute number of replies for some of the most important issues.

b) should SEA be introduced?
- in total, only 1 % of the respondents of administrative services think that EIA at policy level is not necessary. Sixty-one percent thinks that SEA is necessary for policies, plans, and programmes (PPPs) which will most certainly have significant environmental consequences. An important number of respondents (24 %) favours SEA for all PPPs which could eventually have an influence on the environment;

Table 2. Replies (absolute numbers) of the different groups for some important questions

<table>
<thead>
<tr>
<th></th>
<th>Administrative services (out of 100 replies)</th>
<th>EIA experts (out of 72 replies)</th>
<th>Supervisory authority (out of 4 replies)</th>
<th>Representatives of different stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should SEA be introduced?</td>
<td>- for all PPPs: 24</td>
<td>- only if important impacts are expected: 61</td>
<td>- yes: 4</td>
<td>- yes: 9</td>
</tr>
<tr>
<td>Who should decide if an SEA has to be carried out?</td>
<td>- the initiator: 74</td>
<td>- a specialised administrative service and external experts: 57</td>
<td>- the initiator in co-operation with experts of the supervisory authority: 3</td>
<td>- a specialised administrative service together with external experts: 5</td>
</tr>
<tr>
<td>When should public participation be organised?</td>
<td>- never: 21</td>
<td>- during the decision-making: 45</td>
<td>- during the decision-making: 4</td>
<td>- during the decision-making: 8</td>
</tr>
<tr>
<td>Should alternatives be studied in SEA?</td>
<td>- yes: 59</td>
<td>- at the early stages of the SEA process: 30</td>
<td>- yes: 4</td>
<td>- yes: 9</td>
</tr>
<tr>
<td>Should quality control of SEA be organised?</td>
<td>- yes, in all cases: 47</td>
<td>- yes: 61</td>
<td>- yes: 4</td>
<td>- yes: 4, yes: 9</td>
</tr>
</tbody>
</table>

- a majority of EIA experts (96 %) is in favour of SEA for PPPs of administrative services and public institutions. Two thirds of EIA experts prefer the introduction of a legal framework for SEA which includes a procedure and a limited description of the contents of an SEA report;
- all staff members of the supervisory authority find the introduction of SEA a necessity and agree that it should have a legal basis;
- none of the pressure groups has any objection against SEA. Eight out of nine respondents agree that SEA should be applied to all PPPs. SEA should be introduced on the basis of legislation.
c) who should decide if an SEA has to be carried out?
- a majority of respondents of administrative services (74%) prefer to decide themselves if a PPP should be subject to SEA. Only 5% would like to do this fully autonomously; 29% would like the support of a checklist; 24% would like the help of a specialised public agency and 16% is in favour of the help from an independent commission of experts;
- a majority of EIA experts (57%) feels that the selection of PPPs subject to SEA should be made by a specialised public agency in collaboration with specialists. Experts involved in the screening and scoping phases should not take part in drafting the SEA report. Screening should take place on the basis of general questions concerning sustainable development;
- staff members of the supervisory authority think that the decision to prepare an SEA should not be made by one party (e.g. only by the initiator, the specialised administrative services or external experts). Decisions during the screening phase should be a collaborative effort. The respondents disagree on which groups should take part in this phase, but agree on the fact that screening should be done on the basis of general questions on sustainability or on the basis of a positive list of activities subject to SEA;

d) when should public participation be organised?
- a majority of respondents of administrative services (74%) is in favour of some form of public participation, 21% does not like to introduce public participation. In case of public participation, 31% of respondents thinks this could be done both before and after the drafting of the SEA, 42% favours a case by case examination;
- public participation is considered an important feature of an SEA system by the EIA experts, although they do not agree at the stage it should be organised. The final stages were mostly favoured, followed by the screening phase. A written procedure of public participation or a system with hearings linked to written objections are considered the most preferable options;
- all respondents from the supervisory authority agree that public participation should be organised during the decision-making and three of them also foresee it during the scoping phase. No one wants participation during the preparation of the SEA. Three respondents think that the format of the public participation should be decided on a case by case basis and one respondent prefers participation on the basis of written comments only;
- eight out of nine respondents of the pressure groups feel the need for public participation during the SEA procedure, preferably at the start and towards the end.

e) should alternatives be studied in SEA?
- a majority of respondents from administrative services is in favour of examining alternatives;
- the examination of alternatives is considered an important feature of SEA by 81% of the EIA experts. Not only the “most environmentally friendly”-alternative, but also the “no action”-alternative, and the “preferred”-alternative should be examined;
- all respondents of the supervisory administration find the examination of alternatives an essential part of SEA and think that at least the “most environmentally friendly”-alternative should be studied. Two respondents think that the “no action”-alternative and the “preferred”-alternative should also be part of the SEA;
- all respondents of the pressure groups agree with each other that the examination of alternatives is an essential part of SEA.

f) should quality control be organised?
- forty-seven percent of respondents of administrative services is in favour of quality control at all times, 38% only for important PPPs. Twenty-one percent of respondents from administrative services suggest that they can control the quality of the SEA reports prepared by themselves, but this is not considered an acceptable option by all other stakeholders. Also within the group of administrative services 64% of respondents voice the opinion that quality control should be done by another public agency;
- quality control is considered very important by the EIA experts: 97% is in favour. According to 68% of respondents this should preferably be done by an independent commission;
- all respondents of the supervisory administration agree that SEA reports should be checked on quality. A situation in which the initiators check their own work is not withheld as a possible option. Quality control by a public agency specialised in SEA is considered a valuable option. Two respondents saw an independent commission as a possibility;
- all respondents of pressure groups agree that the examination of alternatives is an essential part of
SEA and that quality control should be organised. A majority (six respondents) is not in favour of a system of self-control by the initiator. 

g) additional interesting replies
- most respondents of administrative services find it useful to look into following aspects in an SEA: soil, energy and use of resources, fauna and flora, noise and vibrations, landscape and land use, air, human beings and their health, and water. Following topics are considered less obvious to be examined in SEA: cultural heritage, climate, and the ozone layer;
- only a limited group (10 %) of administrative services would like to draft the SEA internally, with their own specialised staff members. The preference of most respondents goes to a situation in which external help is called in. Help can come from: a) another specialised public institution (40 %), b) a private consultancy firm (22 %) or a committee of experts (14 %);
- among the respondents working in administrative services which develop PPPs which have potential significant spatial or environmental impacts only 33 % think they have the necessary capability to assess the possible impacts of their decisions. Fifty-two percent of these respondents, therefore, would ask for help of other services or organisations. Sixty-three percent of these respondents state that they already take into account the environmental consequences of their PPPs today. In 52 % of these administrative services no guidelines or procedures exist on how to do this. A majority (52 %) never made use of the SEA instrument and the 31 % which state to have done SEA give examples similar to project EIA;
- a tiering approach is not considered interesting by the EIA experts. Only two of the four respondents of the supervisory authorities think that a tiering approach can be applied consequently;

Discussion of survey results
The most important result of the survey is that, in general, there is a broad based support among key stakeholders to examine the environmental consequences of PPPs. None of the contacted groups strongly disagree with the introduction of SEA. A majority of Flemish public officials, EIA experts, the authority which supervises the EIA implementation, and representatives of pressure groups agree with the need for SEA. However, a minority of public officials are very much opposed to this instrument and feel it will interfere with the efficient functioning of their services. From the fact that not every respondent has a correct insight in the possibilities, function, role and value of SEA, it should be concluded that the provision of information on SEA should be strengthened. The results clearly show the need for a flexible SEA system, which takes into account the different needs and experiences of the various administrative services and the wide variety of PPPs which are developed by the regional administrative services. There is a consensus among the key stakeholders that a future SEA system should have a legislative basis. At a procedural and methodological level many respondents from all groups are in favour of a screening in collaboration with specialists, the examination of alternatives, some form of public participation and quality control. A tiering approach is not warmly welcomed. About half of the respondents is in favour of referring to documents which were prepared previously or are of a higher order. This may result from the fact that the respondents are not familiar with the concept of tiering. The general opinion resulting from the surveys does not divert a lot from proposals of “Best available practice” for SEA, such as developed by Partidario (1996), Sadler and Verheem (1996), and Janssens et al. (1996).

Based on their activities, following departments within the Ministry of the Flemish Community should be extra attentive to their environmental impacts: the Department of Environment and Infrastructure; the Department of Economy, Employment, Internal Affairs and Agriculture; and the Department for General Affairs and Finances. The activities of the other departments may have environmental consequences as well, although less obvious, and not to be disregarded.

Development of an SEA system proposal
Tailoring the SEA system
Flexibility is a build-in feature of a tailored SEA system. Organisations are left with a relative freedom, at least for a starting period, for adjusting the speed of introduction, the extent of investigation, and the procedural form. The system consists of: a) modules that can be incorporated into existing
procedures or b) stand-alone procedures. It is suggested that the latter option be implemented in services where procedures for the development and assessment of decisions are not well structured, not transparent, or sometimes not even existing, or where the SEA system will be imposed by law.

Introduction of an SEA procedure

The proposal aims to present a flexible and transparent methodology for an SEA system by providing several options for implementation and modules for integration.

a) Procedural integration:
The surveys indicated large discrepancies between the various government administrations regarding existing procedures in decision-making and (environmental) impact assessment of decisions. Administrations or departments, whose major decisions are most likely to have an impact on the environment often have more elaborate procedures in operation, sometimes full procedures for environmental assessment. Such organisations do not look out for another procedure. Integrating some modules into their own procedures seems therefore more appropriate.

At least all modules listed below should be integrated into existing procedures if this option is retained:
- Screening;
- Scoping (if further investigation is required);
- Drafting an SEA statement containing i) content and objectives, ii) the base line, iii) relevant norms, policies, and environmental protection measures, iv) possible environmental impacts, v) alternatives to meet the objectives, vi) prevention or mitigating measures;
- Public participation;
- Publication of PPP-proposal and its adjustments.

b) Phased implementation:
Stand-alone procedures are classified as «1- star to 5-star procedure» according to increasing complexity. The 1- to 5-star procedures provide options for the depth of investigation as well as a time path for gradual implementation. All administrations could immediately start with the 1-star procedure (Figure 1), i.e. the use of the screening workbook. Gradually they may consider to step up to a higher star procedure, as they gained experience and could motivate their staff. When reaching the 3-star procedure, they will comply with the minimal requirements for the final draft EC proposal on SEA for certain plans and programmes (CEC 1997). The 4-star procedure corresponds to the proposals for SEA made by the Commission Bocken (ICHM 1995) and to the Best Available Practice drawn up by Janssens et al. (1996).

c) Tiering:
The principle of tiering ensures that environmental impacts are assessed at the appropriate level of decision-making. However, several conditions have to be met before it is introduced. Authorities at all levels must underline this principle. It is applicable only to long-term, transparent and realistic policies and objectives. It also requires close co-operation and interaction between project EIA and SEA, improved generation and treatment of data, and information flow.

Notes

1 Postdoctoral Fellow of the Fund for Scientific Research - Flanders (Belgium), Human Ecology Department, Vrije Universiteit Brussel, Belgium
2 Academic Assistant Human Ecology Department, Vrije Universiteit Brussel, Belgium
3 Professor and Head of the Human Ecology Department, Vrije Universiteit Brussel, Belgium

Mailing address: Dimitri Devuyst, Human Ecology Department, Vrije Universiteit Brussel, Laarbeeklaan 103, 1090 Brussels, Belgium, tel. 32-2-477.49.65, fax. 32-2-477.49.64, e-mail: ddevuyst@meko.vub.ac.be

aménagement et nature – numéro 134
Figure 1. The proposal for a one- to five-star SEA procedure