

Post Conference Workshop - SEA

Gold Coast, Australia

4th of May 2019

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Key SEA Principles (from previous conferences)

1. Sustainability led
2. Practical
3. ~~Evidence based~~ values driven
4. Outcomes focussed
5. Fit for purpose
6. Participatory
7. Adaptive
8. Transparent
9. 'Strategicness'*

*We recognise the need to establish more strategic SEA principles as a large majority of these are the same for EIA

Additions = future focussed and systems based

Comments: List one key thing about good practice SEA?

- Issue of establishing good alternatives
- Early engagement/involvement of all parties/stakeholders from the beginning and equal discussion for all
- SEA not exactly a development plan
- Issue of implementation and that the findings are actually implemented after the assessment process
 - Difference between states and the commonwealth (transboundary process)
- Holistic sustainability
- Different expectations and views on the process: institutional arrangements
- Accessible and clear so that more people utilise the process (currently voluntary)
- Is often 'Project SEA': we don't have much success in truly strategic SEA
- SEA is good when it forces transparency even though this can be intimidating for decision makers
- Needs to begin before decisions are made as currently it often occurs too late in the process
- Needs to maximise biodiversity conservation

Re-cap of conference session: SEA using landscape as a driving concept

IA and Planning

Australian SEA is built upon the British model which doesn't fit the Australian context and separates the environment from other sustainability aspects. The Australian landscape is incredibly varied and a big component is urban landscapes. It is not simply the 'sum of the parts': $1+1+1 \neq 3$ (environment, socio-economic etc.), but is an integrated process.

Landscapes

Are not as simple as some might believe and involve the connection that people have to their landscape and the way in which they view it. This relates to the idea of 'country' where people treat and talk about the land as if it were a person i.e. a living entity.

Landscapes are NOT:

- Landscape assessments
- Bioregional planning, regional mapping etc.

Landscapes ARE:

- Recognising the 'whole'

- Incorporating traditional knowledge and building upon these connections to the land
- Landscape gains for local losses
 - Currently poor offsetting
 - Requires a harmony between society and the environment

Panel discussion: Global SEA Experts (Tanya Burdett, Maria Partidario, Thomas Fischer & Amanda Chisholm)

Germany

Has a connection to land in a different context to Australia where they give a high value to traditional forest. Decisions around what is protected is often based on already existing protected areas with the remaining being very vulnerable; however strong connections between people and non-protected areas exist.

UK

Has a legalistic approach with a map looking at protected areas and basing decisions around this. SEA in the UK is not favoured and practitioners have become slack; resulting in more of a tick box approach. The UK is good at asking policy questions and addressing them (changing wording of policies through SEA) where a SEA needs to address all PPP and projects AND connect these well.

England used to have regional planning where housing development happened at a regional level but now this doesn't occur at a legislation level; yet many planners still stick to this approach.

Additional comment - Regional Assemblies and Plans/SAs are abolished now, rather the approach is for local communities to develop their own assessments which can act to challenge existing local-authority plans/SEA. The idea of aligning Australian states may not be correct, as differentiation provides more regional context.

Portugal & Europe

The EU Directive was created in 2001 which Portugal adopted in 2007 and created guidance documents for the new legislation. Portugal had a long experience with EIA which was working relatively well and being used extensively; however, we needed to look more at the 'strategic' side of SEA and not stick to project-based EIA-SEA. Therefore, a different approach was needed and Portugal adopted the more strategic approach; unlike many other EU countries which didn't.

People didn't see the purpose of SEA and developers used it as a replacement for EIA. Most developments are still projects or programmes as a group of projects. There were very few cases where the plan or policy was developed to look at what was intended for the future of the area. The UK is very different from the rest of Europe and their approach forms the basis of other countries SEA (such as Australia).

Scotland

Is different to the UK to an extent their directive is implemented in terms of all PPPs; therefore, a lot of policy SEAs have been done. The focus is on land use planning and there is a lot of experience within this; thus, land use planners are consistently involved in SEA. Initially SEA was strongly resisted by planners as they didn't see the difference between SEA and what they already did as planners. Existing planning didn't involve all aspects of sustainability and focused on environment.

Two reviews have been undertaken in Scotland. The first was very positive but the second suggested that changes were needed in responses to changes in the Planning Act. It identified that SEA is not as

effective as it could be and that there are Issues with 'staff, skills and resources'. There is now 14 years of Scottish SEA experience to build upon.

We need to focus on identifying the main environmental issues and thus identify areas where no development should occur. Currently the 'designated area' approach results in islands of biodiversity

UK

There are changes in governance around what is referred to in the UK as Impact Assessment, Appraisals of Sustainability and SEA – currently SEA as per the EU Directive is only linked to plans and programmes; not policies (albeit Scotland applies it more broadly to policies). It can be helpful to identify assessment processes are already happening that are similar to parts of SEA and thus encourage better integration of different types of assessments. This integration can result in added buy-in and rigour to SEA. Integrated assessments that currently occur in practice include SEA with Equalities Impact Assessment and Habitats Directive assessments, which also require positive outcomes. Currently Brexit is preoccupying governance and resulting in a lack of any updates to centralised research and practice change.

Discussion & Questions

SA already existed in the UK (plans and development policies) – what was the need for SEA?

- Now two parallel, integrated systems exist
- Scotland system driven by the EU model more than the UK
- Although the system may not work in the desired way, interpretation of the system is key. Creative interpretation can be used to achieve the desired goals even if the legislation isn't exactly intended to. There is more flexibility than it may seem.
- UK lacks leadership and experience: Scottish practice is better in this regard
- A lot of SA exists in Australia also

Why hasn't the 'good holistic SEA approach' (which occurred in Portugal) been more implemented in the EU region?

- Portugal is very legalistic and the law is EIA based, thus changing the paradigm is a challenge. Holistic practice does sometimes occur however.
- Strategic thinking looks at what we need in the future; currently we look at what we have in the present and how to change this. This isn't a bad approach; however, the future based 'strategic' approach is better.
- Authorities look at SEA as a compliance issue and it requires a report. They don't understand that the tool can improve the planning process and just want to get on with things as development results in money.
- The Netherlands establish 'visions' (spatial visions) for the future but an integrated assessment processes of strategic planning often doesn't actually occur in SEA. In Victoria, Australia the idea of visions is used and these are often holistic.
- The issue could be the bottom-up approach as we instead need an oversight of the decision-making process which is focussed on where we want to be (future orientated)
- SEA is a component of SA and can form part of higher tier processes. For example; the two Great Barrier Reef SEAs formed part of a larger process (The Reef 2050 Sustainability Plan). As part of this plan, baselines were set for overall achievements to conserve the environment; however, since then the baseline isn't achievable due to recent damage/development. Now the focus is on identifying what is a 'functional GBR' with the biggest issue being climate change.

Fish Bowl No. 1: International experts led by Jenny Pope

Ingredients for success

SEA needs to be systemic and thus include linkages between components and time scales; thus, integration is vital. It needs to be focussed on what matters and on addressing future orientated goals. Engagement of different values of the various stakeholders is also required from the beginning of the process. There are lots of ideas around what we want and the right attitude about wanting change but not much is implemented in SEA legislation; resulting in a disjointed process. This relates back to the idea of the Australian system lacking a connection between the theoretical goals of SEA and its implementation. Currently there is also a lack of resources stemming from a lack of commitment. We therefore need more promotion that SEA brings an added value as commonly those that understand SEA want to use it.

Philosophical differences between countries/regions also exist. For example, the Scottish system more in touch with 'country' and they are not afraid to have a hard look at themselves. The Inclusion of policy in the Scottish system was a result of political buy in. England is based more on liberal thinking and often more right-winged governments don't like planning. If you don't understand your own system how can you understand the implementation of SEA?

Issues of implementation

The evidence-based approach is hard to apply to a future based approach because by the time we have some of the evidence a lot may have changed. It is therefore good to have ideal visions rather than stringent goals based on evidence.

In the Netherlands a SEA took place where they realised they were heading away from the goals based on the evidence and thus completely abolished the SEA rather than adapting it to the changes. Big events resulting in significant change are common and thus SEA needs to be an adaptive process; not a 'blueprint'. Monitoring is also vital as it reduces the impact of uncertainties and forces decision makers to re-think national policies to allow for unforeseen changes.

Biodiversity can't be entirely evidence based as it is constantly changing and thus many issues surround this 'evidence-based' approach. What actually happens is always a result of many different factors and is not a simple cause and effect relationship. For example, the WHO evidence for health takes decades to accumulate and cause and effect is never clear.

"SEA is something that is future driven rather than baseline driven: recognise what we want to achieve in the future and then utilise evidence to monitor and adapt... Different values and drivers constantly happen... Drive from the front rather than the back" (Maria Partidario)

Issues with SEA Practice

Money

- Who is going to pay? Staffing, funding and length of time money will be available
- Buy in from top level government
 - In Scotland they realised they needed to provide institutional support and set aside money for this which allowed for more use and success of SEA. Funding included training and allowed authorities to more effectively get permanent positions. Some councils have used consultants in the past, but we need to be careful with this; some companies will abuse their power and exploit money. Funding is also limited so we can't use it all on consultants.

- Sector dependent
 - Transport planning: the issue of who is going to profit from the development. Who has the money often has the power and therefore they can push their agenda which isn't often to conserve the environment. For example, offshore windfarms: property owners drive offshore windfarms to preserve their property value.

Multi-lateral approach often not utilised

Need new creative tools where assessment and planning people can work together; engaging stakeholders from the very beginning. This would provide consensus on the goals and approach from the beginning as currently involvement happens much too late. Early involvement also forces transparency around the alternatives.

Assessment of Alternatives

Alternatives are critical. We need a good understanding of reasonable alternatives and the issues surrounding each one. For example; a town with too much traffic requires a by-pass, should it be on the West or East side of the town? We then only look at factors that are RELEVANT and IMPORTANT which varies depending on the situation; carbon emissions don't need to be looked at for this situation. Should also consider the symptoms key issues to solve more problems on a larger scale; should we look at reducing traffic rather than automatically deciding on a bypass? Assessors of alternatives also need to be aware of influences and bias.

Questions/discussion

What does SEA give us that good planning or good CIA doesn't?

SEA may only be needed until planning is truly future oriented as currently it isn't future focussed and doesn't analyse environmental issues adequately. SEA helps to drive and allow broader thinking; allowing planners to find the solution themselves and produce internalised change. There are also issues surrounding integration of environment and socio-economic factors in planning with many still wanting to think about things separately, rather than in an integrated way. We also need better conversations about what we want from plans. For example, planning in the UK is based simply upon where to place housing developments and not the overall picture.

What information do we need to make the right high-level decisions?

Step-by-step process (Maria Partidario)

1. Diagnose the problem
2. Conduct a report/review on previous plans etc. before beginning a new one
3. Find out what each stakeholder values the most. This identifies conflicts and ensures transparency (good governance is vital in SEA)
4. Put future in front: what is vital to achieve long-term goals?
 - Produce mind map of problem: a technique of prioritisation. It connects values and goals to legislation; helping us understand what influences each of the values and goals. This process develops the overall strategic framework.
5. Then collect the information required for the strategic framework
 - Past, present and future: techniques such as future scenario analysis etc.
6. Lastly, collect hard information through the indicators which supports the 'baseline' (this step currently happens too early or at the beginning)

What part do ecological goods and services play and how does this knowledge facilitate SEA?

- The Scottish marine plan identified ecological services and assessed the state of the economy overall. It also identified what the services are and what policies influence these.
- Ecosystem services can create a framework to establish how the space will be used. It connects industry to environment through mind mapping, so that each party understands the integrated aspects.

- Cognitive biases; for example, short-term planning driven by economic issues. Short term planning ensures short-term income and is driven by trying to avoid a situation.
- Ecosystem services are often considered as a ‘free good’; what if it were changed so that industries etc. had to pay for them? Currently people take them for granted.
 - If you own an area with high ecosystem service value, the owners could be given this value and thus use this value as a form of payment for ecosystem services.

Discussion: Based on current knowledge, what else do we need to know for Australia?

- Identify relevance to Australian decision-making
 - Embedded in resource management as well as land-use planning
- What constitutional power could we have to allow SEA at a planning level (similar to the EU Directive)?
- Need political willingness for SEA to occur
- Institutional support: Department of Environment needs to give the support to get SEA off the ground
 - We need genuine incentives to promote SEA and to promote environmental conservation; especially to farmers and developers
- Once we have an outcome, how do we get the legal backing, financial backing and governance required?
 - What governance system should/could govern SEA?
 - What legal instruments that we currently have could be used?
- Need to review the planning framework
- Should incorporate strategic assessment processes and SEA instruments into planning
- Need to get the idea of ‘strategic thinking’ into all the planning processes for all sectors etc.
 - Produce a sustainability legislation that requires this type of thinking
 - What are the realistic ways/instruments that we can utilise (that we currently have) to embed strategic and sustainability?
- Need good conservation planning to give more clarity in goals and future thinking
- Need to identify what we mean by SEA, is it simply PPP or not?
- Need a better ability to bring stakeholders into prioritising key issues and produce a consensus
- What are some key EIA practices or tools that can remain within SEA?
- The issue of scoping: identifying what we need and how far down we look
- Who is supposed to do SEA?

Fish Bowl No. 2: International experts

SEA is more of a framework (systems approach) not a process and we need to determine what is there and how to influence this. It is important to ‘give a SEA teeth’; not just make it a requirement/administrative hurdle. This will produce actual results where we can justify the decision based on findings, not just a procedural approach. “If doesn’t do anything, those who argue against it will be proven right and those that want it will be frustrated that it wasn’t effective”

National Environmental assessment allows a type of SEA and most states themselves have no specific legislation: do we need a specific legislation? Global perspectives

Scotland

Having legislation allows people to say, ‘it is the law, we have to do it’ and allows more effective integration. It also adds fairness to everybody.

South Africa

SEA as a planning framework is acknowledged and embraced by planning authorities. This has allowed strategic planning of large conservation areas to ensure sustainable tourism infrastructure development.

Broadly

SEA is not a standalone instrument; do we want a legal framework or just a way to enable better practice? Having a legal requirement won't necessarily result in best practice SEA and setting guidelines can be problematic if we don't define what we need before-hand. It is better to develop pilot cases of legislation, guidance etc. to determine the best way of implementing them because SEA is not the same for each sector/jurisdiction. The problem with the EU directive is that everyone does SEA in the same way even for extremely different sectors/fields.

Legislation is good for saying we must do SEA, but it needs to be done in a way that requires the SEA to be undertaken correctly. We need to determine who should be responsible for developing legislation/guidelines and utilise multiple stakeholders and organisations at different levels to explore the different types of SEA. We should identify 'champions of SEA' to begin this process.

Discussion & Questions

In Victoria a strategic approach for water and ground movement in relation to rehabilitation options post mining in Latrobe Valley was developed to achieve best conservation outcomes. Australia will have more decommissioning in the future: what strategic processes do we need for this?

Perth and Peel

The perception was that SEA would result in no-go areas, but issues arose with private land. There were issues with defining boundaries and land prices fluctuated depending on the area. There were problems with equity and stewardship agreements were needed for those that can't develop on their land.

Western Sydney Growth Areas

Biodiversity value of land vs. development value of land:

This is not a SEA specific problem; it happens with any land use planning. Offsets and encouraging restoration help counteract this but these options need to be done in the right way. Incentives for restoration are required such as those given in NSW where you can get credits for restoration. This helps promote the SEA process. Equity analysis is often included in Strategic Assessments but not SEA even though SEA should help identify the restoration plans.

Is SEA biophysical focussed in Australia?

Ecological Sustainable Development (ESD) is the focus of SEA in Australia and this relates back to the Matters of National Environmental Significance (MNES). As biophysical is the focus, does this mean it isn't truly strategic (which focuses on all three aspects of sustainability equally)?

Why is SEA called SEA not just SA if it's not purely environmental?

Its name originated from a combination of environmental assessment and strategic planning.

What is classified as the environment?

Generally what surrounds humans and how we interact with it, which is different for everyone (e.g. indigenous people). Very few countries integrate environment with social values and in Australia there is a constitutional dilemma as SEA focusses on MNES; which means approval cannot be given to socio-economic conditions and these factors can therefore only be considered as part of the SEA.

Final discussion and closing comments

- Opinion: SEA isn't really a unique tool, it is just Impact Assessment with a different scope and scale
- SEA provides a great opportunity to step back from IA and look at the 'big picture'
- Need to decide on the environmental scope. Limiting the scope, limits the use and effectiveness.
- SEA is necessary but it's not sufficient
- Industry needs to utilise strategic thinking
- We don't need to over-complicate it; focus needs to be on re-thinking current practice
- SEA is usually applied as a problem-solving tool, but it can't solve the problems that we hope it can. It needs to be used in the appropriate way and applied to the right things. SEA should inform the decision-making process rather than acting as a vehicle for missing pieces required for approval
- We need to determine better ways to get more buy in
- Focus on research/reviewing what has and hasn't worked in the past **and why**
- Reiterate that SEA is values based; not just evidence/science based
- Could develop a Strategic Assessment framework in Australia between the commonwealth and each state/territory
- EIA works well and should still be used, SEA is needed when we want to drive change based on sustainable goals
- Educating planners/practitioners is vital
- Collaboration between stakeholders is important: including traditional knowledge and values