



# Investigating the substantive effectiveness of Strategic Environmental Assessment of urban planning: Evidence from Italy and Spain<sup>☆</sup>



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## ABSTRACT

We investigated the substantive effectiveness of Strategic Environmental Assessment (SEA) of urban planning in Italy and Spain, by looking at the changes made to the original plan as a result of the SEA process. The Italian and Spanish SEA legislations establish an SEA Authority, different from the one that elaborates the plan and the Environmental Report. This authority is in charge of supervising the SEA process and issuing a final statement containing directions and prescriptions on environmental issues to be implemented in the plan as a prerequisite for its approval. After having reviewed a sample of SEA in these two countries, we found that in the great majority of cases the SEA authority required some changes, despite the fact that the plans had undergone an environmental assessment. Results also indicate that the legal arrangements, and in particular the level of independence of the SEA authority (which in Italy and Spain is determined at the regional level), affect the quality and quantity of requested changes. In regions where the SEA Authority is established at a higher level in the planning hierarchy, more substantial changes tended to be required, including more mitigation and compensation measures. On the contrary, in regions where a subsidiary approach is in place, i.e. the SEA authority is established within the same municipality that elaborates the plan, less substantial modifications are more often required. We conclude that in the Spanish and Italian contexts a more effective SEA, in terms of environmental performance of urban plans, is supported by institutional arrangements that provide for an SEA Authority clearly separated and fully independent from the planning Authority.

## 1. Introduction

The literature on Strategic Environmental Assessment (SEA) has grown steadily over the past 20 years, and it is now one of the liveliest fields of impact assessment research, as shown for example by the bibliometric analysis presented in Li and Zhao (2015). This literature has focused on a number of issues, such as the meaning and the philosophy of SEA, the identification of different systems and procedures, the review of real-world practices, and the overall understanding of what makes SEA effective (Fischer and Onyango, 2012).

Increasingly, scholars have been countering the somewhat self-referential nature of the early SEA literature by bridging the gap between other academic domains and linking SEA to key topics in planning and

policy-making, like organizational learning (Jha-Thakur et al., 2009; Gazzola et al., 2011), public participation (Gauthier et al., 2011; Walker et al., 2014; Rega and Bonifazi, 2014), governance (Meuleman, 2015; Monteiro and Partidário, 2017), environmental justice (Connely and Richardson 2005, Jackson and Illsley, 2007, McLauchlan and João, 2012), and power (Walker, 2010; Cashmore and Richardson, 2013).

A key point emphasized by the literature is the significance of the broader context in which SEA takes place in influencing how SEA is conducted and how effective it is (Kørnøv and Thissen, 2000; Fischer and Gazzola, 2006, Hilding-Rydevik and Bjarnadóttir, 2007; Wang et al., 2012). SEA indeed does not occur in an empty space, but is embedded in a broader political and decision-making context, made of different actors with different aims and perspectives. Since the early

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days of SEA, it was recognized that the ‘implementation of SEA depends on effective political will...’ needing ‘administrative and institutional mechanisms (...) and the most appropriate ways to ensure a certain degree of accountability’, (Partidário, 1996: 9.), a concern subsequently shared by other authors (Kørnøv and Thissen, 2000; Wallington, 2002; Bina, 2003 as cited by Monteiro and Partidário, 2017).

The literature has thus widely advocated the need for SEA to analyse the broad decision-making context in which it is integrated, to increase its effectiveness (Kørnøv and Thissen, 2000; Nitz and Brown, 2001; Dalkmann et al., 2004; Hilding-Rydevik and Bjarnadóttir, 2007; Monteiro and Partidário, 2017). The decision-making context and the legal arrangements are in turn key factors that determine the SEA outcomes (Nykvist and Nilsson, 2009; Wang et al., 2012). In reviewing critical factors for SEA implementation, Zhang et al. (2013) pointed out that legal framework can provide a firm basis for effective implementation including, inter alia, legally binding roles and responsibilities of related actors (Noble, 2009; van Buuren and Nooteboom, 2009), and well defined legal provisions (Buckley, 2000; Noble, 2004). The debate however is still open as regards which characteristics of the institutional framework lead to more effective SEA, as the empirical evidence in this respect is very limited.

In this research, we considered a specific element of the institutional framework: the degree of independence of the SEA Authority from the planning authority. In some SEA systems (referred to as “independent” hereafter), the SEA Authority is separated from the planning authority, typically because it sits at a higher tier (e.g. a regional authority that oversees SEA of municipal planning). In other systems (“subsidiary”, hereafter), the SEA Authority is appointed within the same administration responsible for the plan (e.g., the planning authority is the Planning Department of a municipality, whilst the SEA Authority is the Environment Department of the same municipality).

In principle, both models have pros and cons: the independent model clearly decreases the risk of lack of impartiality in the assessment but creates a “distance” between the planning and the SEA authority, which might affect communication flow, lengthen the procedure and lead to inter-institutional conflicts. The subsidiary model may lead to auto-referential assessment, but on the other hand, the “proximity” between the two authorities can facilitate communication and consultation and expedite the procedure. A “local” SEA Authority can also have a more accurate knowledge of specific environmental (and socio-economic) problems of the Municipality and the expectations of the citizenships. On the other hand, by the same reason, it might lack a comprehensive vision of broader environmental problems acting at a larger scale (e.g. air/water pollution, ecological networks).

The concept of SEA effectiveness has received constant attention through the years, since the early identification of key elements for an effective SEA (Partidário, 2000), to the proposal of more specific criteria to evaluate practice in different contexts and for different purposes (Retief, 2007; van Buuren and Nooteboom, 2009; Therivel et al., 2009), until the most recent attempts to assess the actual impact of SEA (Acharibasam and Noble, 2014).

Definitions of effectiveness in SEA, and more generally in impact assessment, are not always consistent, and the debate on the different dimensions and nuances of effectiveness is still open (see for example Bond et al., 2013 and Cashmore et al., 2010). Overviews and discussions of the wide variety of perspectives associated to effectiveness in impact assessment are presented in Loomis and Dziejdzic (2018) and Chanchitpricha and Bond (2013). Bina et al. (2011) propose to distinguish between procedural, incremental, and substantive effectiveness. Procedural effectiveness focuses on the fulfilment of the procedural and legal requirements of SEA, including for example transparency, independency, and credibility (see also van Buuren and Nooteboom, 2009). Incremental effectiveness refers to the contribution of SEA to the broader concept of better environmental governance and management, which include the analysis of SEA outcomes in the medium- and long-term with respect to issues such as social, organizational and

institutional learning (e.g., Jha-Thakur et al., 2009). Finally, substantive effectiveness includes the effects that the SEA produce “in the decision-makers’ understanding or awareness of environmental and sustainability issues, and in the extent to which such issues are considered throughout the planning and decision-making” (Bina et al., 2011, p. 573).

In this paper, we focus on substantive effectiveness of SEA for urban planning, and particularly on the changes that SEA produces in the plans in which it is applied. These changes represent the immediate effects of SEA (Acharibasam and Noble, 2014). Although they address just a part of the effectiveness concept, it is not one that can be neglected (Geneletti, 2015; Geneletti et al., 2017). The analysis of the changes determined by the SEA allows understanding whether SEA is actually delivering in terms of providing for a high level of environmental protection, using the wording of the European Union “SEA Directive”. In the words of Partidário (2000), ultimately “the success of the SEA should be measured in relation to the quality of the final decision, and the extent to which the decision was improved as a result of the SEA approach.”

Several criteria to evaluate SEA substantive effectiveness (as well as other dimension of effectiveness) have been developed over the years by scholars, international organizations and associations of experts/practitioners (see e.g. IAIA (International Association for Impact Assessment), 2002; Therivel, 2004; IEMA (Institute of Environ. Manag. and Assessment), 2005; OECD (Organization for Economic Cooperation and Development), 2007; Partidário, 2007). For instance, the OECD (2007) defines two sets of criteria to evaluate SEA’s effectiveness: the first set is used to evaluate the delivery of envisaged outcomes, the second one is a quality control check of SEA as a process. Thus, the first one evaluate substantial effectiveness, whilst the second one evaluate procedural and incremental effectiveness. The key questions to evaluate substantive effectiveness are: “Did the SEA predict future outcomes correctly”; “Did the SEA succeed in actually changing the PPP/making the PPP more environmentally sound?” And “Did the SEA succeed in actually changing the PPP implementation or budget plans, or other subsequent measures, making the PPP more environmentally sound?” (OECD, 2007; pag. 125–126). Thus, the focus here is on how the plan actually changed as a result of SEA.

Concerning the relationship of SEA with the decision-making process, two key principles can be singled out from the body of literature of SEA effectiveness (Fischer and Gazzola, 2006): i) flexibility and capability to adapt to the decision-making process and ii) accountability (e.g., professionalism, rigor, impartiality, presence of independent checks). However, as discussed by Fischer and Gazzola (2006), SEA effectiveness criteria have been developed mainly in the UK and northern European countries, so they may not be as much valid in other contexts, like Mediterranean countries featuring different planning/programming traditions and institutional cultures. They discuss the case of Italy and concluded that in this Country SEA should be based on a rigid and structured process subjected to rigorous controls, rather than a flexible and adaptive one. The risk would be to have non-transparent and non-accountable SEA systems.

Empirical studies of substantive effectiveness are largely based on two approaches: reviews of SEA reports, and interviews with actors (Acharibasam and Noble, 2014; Therivel et al., 2009; Fischer, 2010; Rega and Bonifazi, 2014). Both methods, and particularly their combination, provide important insights on how good and effective a given SEA system is, and support the formulation of recommendation and suggestions for improvement (Bragagnolo et al., 2012). However, there are shortcomings associated to these approaches. The review of SEA reports is limited by the fact that the reports are not always explicit in describing how the interaction between plan making and SEA occurred, hence it can be difficult to determine the actual role played by SEA in shaping the content of the plan (Rega and Bonifazi, 2014). Additionally, SEA reports may contain recommendations or suggestions (e.g., related to mitigation measures), which are not necessarily reflected in the

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