

**STATUTORY INSTRUMENTS SUPPLEMENT**

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**S T A T U T O R Y I N S T R U M E N T S**

**2020 No. 50.**

**THE NATIONAL ENVIRONMENT (STRATEGIC ENVIRONMENTAL  
ASSESSMENT) REGULATIONS, 2020**

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# STATUTORY INSTRUMENTS

2020 No. 50.

## **The National Environment (Strategic Environmental Assessment) Regulations, 2020.**

*(Under sections 47 and 179 of the National Environment Act,  
Act No. 5 of 2019)*

IN EXERCISE of the powers conferred upon the Minister by section 179 of the National Environment Act, 2019 and in consultation with the National Environment Management Authority, these Regulations are made this 11th day of October, 2019.

### PART I—PRELIMINARY.

#### **1. Title.**

These Regulations may be cited as the National Environment (Strategic Environmental Assessment) Regulations, 2020.

#### **2. Interpretation.**

In these Regulations unless the context otherwise requires—

“Act” means the National Environment Act, 2019;

“Authority” means the National Environment Management Authority established under the Act;

“Board” means the Board of the Authority established under the Act;

“cumulative impacts” means impacts that result from the incremental impact of the proposed action combined with the impacts of other past, present and foreseeable future actions;

“direct impact” means impact that is caused by an action arising from a policy, plan or programme and which generally occur at the same time and place as the action;

“environmental and social impact assessment” means an analytical process that systematically examines the likely environmental and social impacts of a proposed project, evaluates alternatives and designs appropriate mitigation, management and monitoring measures, taking into account interrelated socio-economic, cultural and human health impacts, both beneficial and adverse;

“lead agency” means any ministry, department, agency, local Government or public officer in which or in whom the functions of control or management of any segment of the environment are vested;

“mitigation measures” means actions to avoid, reduce, control or offset the potential adverse environmental, health and socio-economic consequences of a project, and include engineering works, technological improvements, management measures and restitution through replacement, restoration, compensation or any other means;

“plan” means a purposeful, forward-looking strategy or design, often with coordinated priorities, options and measures that elaborate and implement policy;

“policy” means a general course of action or proposed overall direction, with defined goals, objectives and priorities, that a Government is or will be pursuing and which guides decision-making;

“programme” means a coherent, organised agenda or schedule of commitments, proposals, instruments and activities that elaborates and implements policy;

“scoping” means a process of determining the extent and details of the environmental and social impact study;

“screening” means the classification of proposed policies, plans and programmes that should be subjected to a strategic environmental assessment;

“stakeholders” means persons or institutions interested in, affected or likely to be affected by or who influence the implementation of a policy, plan or programme;

“strategic environmental assessment” means the systematic and comprehensive process of evaluating the likely environmental, health and social consequences of a policy, plan or programme and its alternatives to ensure that these consequences are integrated and appropriately addressed at the earliest stage of decision making with the same importance as economic and other strategic considerations;

“sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs;

“transboundary impacts” means environmental, health or social impacts of a proposed project or activity beyond the jurisdiction of Uganda.

## PART II—STRATEGIC ENVIRONMENTAL ASSESSMENT FOR POLICIES, PLANS OR PROGRAMMES.

### **3. Purpose of strategic environmental assessment.**

The purpose of a strategic environmental assessment is to—

- (a) identify and describe the environmental, health and social objectives to be achieved by the policy, plan or programme;
- (b) identify potential impacts of a policy, plan or programme on human health and the environment;
- (c) identify public interests;

- (d) determine the cost effectiveness of the policy, plan or programme; and
- (e) determine any other strategic goals.

#### **4. Responsibility for strategic environmental assessment.**

(1) A ministry, department or agency of Government shall undertake a strategic environmental assessment in accordance with regulation 5.

(2) For the purpose of subregulation (1), the ministry, department or agency of Government shall constitute a multi-sectoral technical committee to guide the strategic environmental assessment process.

(3) For the avoidance of doubt, the Authority shall be represented in the committee established under subregulation (2) by a senior officer with qualifications, skills and experience in environmental and social assessment.

(4) A ministry, department or agency of Government may contract experts to undertake a strategic environmental assessment on its behalf.

#### **5. Requirement for strategic environmental assessment.**

(1) A ministry, department or agency of Government shall undertake a strategic environmental assessment for a policy, plan or programme in the strategic areas set out in Schedule 1 to these Regulations.

(2) Notwithstanding subregulation (1), a ministry, department or agency of Government may utilise or add to the results of a strategic environmental assessment undertaken by it or another ministry, department or agency of Government to inform a related policy, plan or programme in the same sector or that addresses similar concerns.

(3) For the avoidance of doubt, a strategic environmental assessment of a policy, plan or programme undertaken under these Regulations shall not substitute the requirement for environmental

and social assessment undertaken in accordance with the Act and the National Environment (Environmental and Social Assessment) Regulations, 2020.

**6. Approaches to strategic environmental assessment.**

A ministry, department or agency of Government may, in undertaking a strategic environmental assessment under regulation 5 and depending on the stage of development of the policy, plan or programme, choose any of the following approaches—

- (a) a proactive integrated assessment approach, to identify and integrate environmental, health and social concerns during formulation of a policy, plan or programme;
- (b) a proactive parallel assessment approach, where the policy, plan, or programme is under formulation at the same time as the strategic environmental assessment is being undertaken, to ensure integration of the environmental, health and social concerns into the policy, plan or programme;
- (c) a proactive decision-centred model, where no distinct strategic environmental assessment process is undertaken, but environmental, health and social concerns are integrated during formulation of the policy, plan or programme; or
- (d) a reactive assessment approach, undertaken to update and integrate environmental, health and social concerns in an existing policy, plan or programme under review.

**7. Notice for strategic environmental assessment.**

(1) A ministry, department or agency of Government proposing to undertake a strategic environmental assessment shall, prior to the commencement of the process, give notice to the Authority and any other relevant lead agency.

(2) A notice under subregulation (1) shall state that the ministry, department or agency of Government intends to—

- (a) formulate a new policy, plan or programme or to review or update an existing policy, plan or programme; and
- (b) undertake a strategic environmental assessment for a policy, plan or programme referred to in paragraph (a) and that it shall take into account the relevant factors set out in regulation 10.

(3) The notice under subregulation (1) shall request the Authority and other relevant lead agency to nominate a technical officer to be part of the multi-sectoral technical committee established in accordance with regulation 4(2).

## **8. Screening.**

(1) A ministry, department or agency of Government shall, in consultation with the Authority and any other relevant lead agency, undertake screening of a policy, plan or programme, to determine whether a strategic environmental assessment is required.

(2) The result of a screening undertaken under subregulation (1) shall be recorded in a screening form in the format set out in Schedule 2 to these Regulations and shall include—

- (a) an indication whether the implementation of the policy, plan or programme may result in significant environmental, health and social effects;
- (b) a statement on the scale, scope and possible cumulative effects of potential environmental, health or social issues;
- (c) a justification for undertaking or not undertaking the strategic environmental assessment; and
- (d) any other information set out in Schedule 2 to these Regulations.



(3) The screening form in subregulation (2) shall be submitted to the multi-sectoral technical committee set up in accordance with regulation 4(2) for consideration and advice as to whether it is necessary to proceed to the scoping stage.

(4) Where the ministry, department or agency of Government determines that a strategic environmental assessment is not needed for a policy, plan or programme, it shall provide the justification in the screening form.

(5) Where the ministry, department or agency of Government determines in a screening form that a strategic environmental assessment is required for a policy, plan or programme, it shall proceed to the scoping stage.

(6) The ministry, department or agency of Government shall make available to the public the screening form referred to in subregulation (2).

**9. Scoping and terms of reference for the strategic environmental assessment.**

(1) A ministry, department or agency of Government shall, before undertaking the strategic environmental assessment—

- (a) undertake scoping to identify the potential impacts to be assessed; and
- (b) prepare terms of reference for the strategic environmental assessment.

(2) Scoping shall involve—

- (a) identification of the objectives, geographical scope and justification of the strategic environmental assessment;
- (b) identification of strategic environmental, health and social concerns that need to be addressed by the policy, plan or programme and accompanying spatial representation of those concerns, where relevant, for informed decision-making;

- (c) an assessment of the status quo of the area of focus;
- (d) identification of the likely transboundary environmental, health and social issues and impacts;
- (e) identification of information gaps;
- (f) identification of linkages with other sectoral policies, plans and programmes;
- (g) consultations with relevant lead agencies and the public;
- (h) determination of the manner, timing, subject and methods of stakeholder participation and consultation;
- (i) identification of the appropriate assessment methodology and justification for the methodology selected for the conduct of strategic environmental assessment; and
- (j) determination of any other issues to be assessed.

(3) The ministry, department or agency of Government shall provide sufficient information at the scoping stage to allow relevant lead agencies and the public understand the likely significant environmental, health and social impacts and how they inter-relate.

(4) The ministry, department or agency of government shall, at least twenty-one days before the preparation of the scoping report, consult with relevant lead agencies and the public during scoping to gather relevant information, and shall take these consultations into account in the compilation of the report.

(5) The relevant lead agencies and the public consulted under subregulation (4) shall provide their comments to the ministry, department or agency of Government within fourteen days of consultations, or such further period as the ministry, department or agency of Government may determine.

(6) The ministry, department or agency of Government shall, after scoping, compile the findings of the scoping exercise and prepare a scoping report in a format set out in Schedule 3 to these Regulations.

(7) The terms of reference for the strategic environmental assessment referred to in regulation (1)(b) shall—

- (a) be informed by the findings in the scoping report; and
- (b) include the proposed composition and scope of work of the team of persons with relevant qualifications, experience, skills and expertise to undertake the strategic environmental assessment.

(8) The ministry, department or agency of Government shall consult the Authority and relevant lead agencies and obtain their comments before approving the terms of reference in subregulation (1)(b).

(9) The Authority and the relevant lead agencies consulted under subregulation (8) shall be given an early and effective opportunity of at least seven days or such further appropriate timeframes from the date of receipt of the request for comments, to express their opinion and to submit comments.

(10) The scoping report and terms of reference for the strategic environmental assessment shall be reviewed and approved by the multi-sectoral technical committee set up under regulation 4(2) and shall be made publicly available.

## **10. Conduct of strategic environmental assessment.**

(1) The strategic environmental assessment for a policy, plan or programme shall be undertaken in a transparent and unbiased manner, based on the terms of reference approved under regulation 9(10).

(2) The strategic environmental assessment shall take into account—

- (a) the characteristics of the policy, plan or programme;
- (a) the degree to which the policy, plan or programme—
  - (i) influences, relates to or affects other policies, plans and programmes, applicable laws, regional and international protocols and treaties;
  - (ii) integrates environmental, health and social considerations, in particular with a view to promoting sustainable development;
  - (iii) incorporates emerging environmental, health and social issues, including climate change, gender and safety;
  - (iv) incorporates cross-cutting issues relevant to the different lead agencies; and
  - (v) takes into account likely transboundary environmental, health and social issues and impacts;
- (b) direct, indirect and cumulative environmental, health and social impacts;
- (c) scenario analyses to determine strategic alternatives and options;
- (d) identified information gaps and the need for more information;
- (e) linkages with other sectoral policies, plans and programmes;
- (f) the evaluation of likely positive and adverse environmental, health and social impacts of the implementation of a policy, plan or programme;

- (g) recommendations for decision making, including measures for enhancement and mitigation of impacts;
- (h) the scope and nature of residual impacts;
- (i) monitoring requirements for implementation of the recommendations, including monitoring indicators and timeframes for review cycles applicable to the policy, plan or programme; and
- (j) any other information that may be necessary.

(3) The measures for enhancement and mitigation of impacts referred to in subregulation (2)(h) shall include—

- (a) enhancement measures to improve the positive impacts or opportunities associated with the policy, plan or programme; and
- (b) mitigation measures to avoid, minimise, restore, compensate for or offset adverse impacts.

## **11. Consultations during strategic environmental assessment.**

(1) The ministry, department or agency of Government shall, during the conduct of the strategic environmental assessment, consult—

- (a) the Authority and relevant lead agencies; and
- (b) the public, including persons likely to be affected by the policy, plan or programme.

(2) The consultations under subregulation (1) shall be undertaken at least thirty days before the preparation of the strategic environmental assessment report and shall be taken into account in the compilation of the report.

(3) The persons consulted under subregulation (1) shall be given an early and effective opportunity of twenty one days or such further period as the ministry, department or agency of Government may determine, to express their opinion and to submit comments.

(4) The ministry, department or agency of Government shall keep evidence of stakeholder participation and involvement during consultations and that evidence shall form part of the strategic environmental assessment report.

## **12. Public hearing on strategic environmental assessment.**

(1) The ministry, department or agency of Government shall determine whether to hold a public hearing in regard to a draft policy, plan or programme and the accompanying strategic environmental assessment report.

(2) Where the ministry, department or agency of Government has determined to hold a public hearing under subregulation (1), it shall make publicly available the draft policy, plan or programme and the strategic environmental assessment report.

(3) The public shall be given an early and effective opportunity to express their opinion and to provide comments on the draft policy, plan or programme and the accompanying strategic environmental assessment report before the adoption of the plan or programme.

## **13. Preparation of strategic environmental assessment report.**

(1) Subject to regulation 11, the ministry, department or agency of Government shall, on completion of the assessment under regulation 10, prepare a strategic environmental assessment report in the format set out in Schedule 4 to these Regulations.

(2) The strategic environmental assessment report prepared under subregulation (1) shall take into account the issues assessed under regulation 10(2).

(3) The strategic environmental assessment shall, in order to control adverse environmental, health and social impacts, include a strategic environmental management and monitoring plan which shall outline the measures to be taken during the implementation of the policy, plan and programme.

(4) The strategic environmental management and monitoring plan referred to in subregulation (3) shall include—

- (a) a summary of environmental, health and social impacts;
- (b) a description of mitigation measures;
- (c) environmental, health and social performance targets to be achieved;
- (d) indicators to be measured and the methodology to be used for measuring the indicators;
- (e) a description of the environmental monitoring programme;
- (f) a definition of thresholds that will signal the need for corrective actions;
- (g) institutional arrangements for monitoring;
- (h) an implementation schedule, including frequency of monitoring and reporting procedures; and
- (i) cost estimates for monitoring activities.

**14. Transboundary impacts of a policy, plan or programme.**

(1) The ministry, department or agency of government shall, through the ministry responsible for foreign affairs, as early as possible during scoping, notify the State likely to be affected by the policy, plan or programme where—

- (a) it considers that the implementation of a policy, plan or programme is likely to have significant transboundary environmental, health and social impacts; or
- (b) the State likely to be affected so requests.

(2) The notification referred to under subregulation (1) shall contain—

- (a) the draft policy, plan or programme and the draft strategic environmental assessment report, including information on its possible transboundary environmental, health and social impacts;
- (b) information regarding the decision-making procedure, including an indication of a reasonable timeline for the receipt of the comments of the State; and
- (c) a request to the State to submit its comments and recommendations through the ministry responsible for foreign affairs.

(3) The ministry responsible for foreign affairs shall, as soon as practicable, submit the comments and recommendations received under subregulation (2)(c) to the relevant ministry, department or agency of Government.

(4) The ministry, department or agency of Government shall, as far as practicable and before submitting the report for approval under regulation 15(1), incorporate the comments and recommendations received under subregulation (3) in the final strategic environmental assessment report.

## **15. Review of the strategic environmental assessment report.**

(1) The ministry, department or agency of Government shall convene a meeting of the multi-sectoral technical committee to validate the strategic environmental assessment report.



(2) The validation meeting referred to under subregulation (1) shall take place within thirty days of finalisation of the strategic environmental assessment report.

(3) The validation meeting convened under subregulation (1) shall review the strategic environmental assessment report and make comments and recommendations on—

- (a) the quality of information, including whether there are information gaps or uncertainties related to data and predictions;
- (b) the level of stakeholder participation;
- (c) defined objectives of the strategic environmental assessment;
- (d) the extent of consideration of environmental, health and social impacts;
- (e) accuracy of assumptions made during the strategic environmental assessment;
- (f) comparison of environmental, health and social alternatives, including the recommended alternative;
- (g) mitigation requirements and residual impacts associated with the preferred alternative;
- (h) influence of the strategic environmental assessment on the policy, plan or programme process;
- (i) the cost effectiveness of the policy, plan or programme;
- (j) the proposed implementation modalities for the recommendations of the strategic environmental assessment;

- (k) the feasibility of the strategic environmental management and monitoring plan;
- (l) planned follow up activities and constraints identified; and
- (m) recommended capacity-building activities and expected outcomes.

(4) The ministry, department or agency of Government shall revise the strategic environmental assessment report, taking into account the comments and recommendations of the validation exercise.

## **16. Preparation and approval of final strategic environmental assessment report.**

(1) The ministry, department or agency of Government shall, within thirty days of the validation meeting in regulation 14(1), prepare the final strategic environmental assessment report incorporating stakeholder comments and recommendations.

(2) The multi-sectoral technical committee established in regulation 4(2) shall recommend submission of the report to the decision makers in the ministry, department or agency of Government.

(3) Where significant changes are made to the policy, plan or programme from the original proposal, the multi-sectoral technical committee shall advise the ministry, department or agency of Government to consider whether a revised strategic environmental assessment report is needed before recommending the report for decision making.

(4) The Minister responsible for the policy, plan or programme shall approve the strategic environmental assessment report in consultation with the Minister responsible for environment.

(5) The approval by the Minister in subregulation (4) will be subject to—

- (a) adequate reflection of environmental sustainability, health and social considerations in the report; and
- (b) confirmation that the comments and recommendations of stakeholders referred to in regulation 11 or 12 and, where applicable, of a State referred to in regulation 14, were taken into account.

**17. Integration of recommendations of the final strategic environmental assessment report.**

(1) The ministry, department or agency of Government shall, as appropriate, integrate the recommendations of the final strategic environmental assessment report into a policy, plan or programme.

(2) The ministry, department or agency of Government shall, on submission of the policy, plan or programme for approval—

- (a) include a statement summarising how the recommendations referred to under subregulation (1) were incorporated; and
- (b) attach the final strategic environmental assessment report where it is produced as a separate document following the chosen approach for the conduct of a strategic environmental assessment under regulation 6.

**18. Rejection of the policy, plan or programme.**

The Minister responsible for the policy, plan or programme may, where the strategic environmental assessment shows unacceptable residual impacts associated with the policy, plan or programme, reject the policy, plan or programme.

**19. Strategic environmental assessment report in policy, plan or programme approval.**

Where a strategic environmental assessment is undertaken as a separate process from a policy, plan or programme, the strategic environmental assessment report shall—

- (a) be attached to the plan or programme when it is being approved; or
- (b) inform the relevant section of the regulatory impact assessment report for the policy submitted to Cabinet for approval.

## **20. Monitoring and evaluation mechanism.**

(1) A ministry, department or agency of government shall, in collaboration with the Authority and relevant lead agency—

- (a) monitor and evaluate the implementation of the recommendations of the final strategic environmental assessment report; and
- (b) monitor the significant impacts that may arise during the implementation of the policy, plan or programme to identify at an early stage unforeseen impacts, so as to undertake appropriate remedial action.

(2) The monitoring and evaluation mechanisms shall, as appropriate, form part of the existing monitoring frameworks for the policy, plan or programme.

## **21. Guidelines.**

(1) The Authority may issue guidelines for strategic environmental assessment.

(2) The guidelines issued under subregulation (1) shall provide for—

- (a) principles for strategic environmental assessment;
- (b) the importance of strategic environmental assessment as a planning tool to aid decision making;

- (c) the procedure for the conduct of strategic environmental assessment;
- (d) stakeholder engagement and consultation;
- (e) monitoring and evaluation; and
- (f) any other matter the Authority may deem necessary.

### PART III—GENERAL PROVISIONS.

#### **22. Documents deemed to be public documents.**

(1) Subject to the Constitution and Access to Information Act, 2005, the strategic environmental assessment reports prepared under these Regulations shall be public documents.

(2) Subject to 146 of the Act, a person who desires to access the strategic environmental assessment reports referred to in subregulation (1) shall apply to the ministry, department or agency of Government and pay the prescribed fee.

# SCHEDULES

## SCHEDULE 1

*Regulation 5(1).*

### **POLICIES, PLANS AND PROGRAMMES FOR WHICH STRATEGIC ENVIRONMENTAL ASSESSMENT IS REQUIRED**

1. Agricultural investments, livestock, rangelands, grasslands and fisheries.
2. Energy resources, including exploration and power generation, transmission and distribution infrastructure.
3. Petroleum activities and mid-stream and downstream operations.
4. Housing and urban development, including development zones, industrial estates and industrial parks; physical planning and other forms of land use.
5. Transport and related infrastructure (including highways, railways, aerodromes and water transport).
6. Waste management, including transportation, storage, treatment and final disposal.
7. Water resource management, including utilisation of water resources and water supply.
8. Communications facilities, including telecommunication.
9. Nature conservation areas, including the protected area system, forestry and forest reserves.
10. Process, technology and technological applications.
11. Tourism resources and recreational development.
12. Policies, plans and programmes for other areas listed in Schedules 5 and 10 to the Act, as may be required by the Authority.

## SCHEDULE 2

*Regulation 8(2).*

### **SCREENING FORM FOR DETERMINATION AS TO WHETHER A STRATEGIC ENVIRONMENTAL ASSESSMENT IS REQUIRED.**

#### **Part I: Preliminary.**

1. Title of the policy, plan or programme.  
*(What it is called or proposed to be called)*  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Responsible ministry, department or agency.  
*(The ministry, department or agency proposing or revising the policy, plan or programme)*  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Status of the policy, plan or programme.  
  
*(Describe if it is a new policy, plan or programme or one to be revised, and whether the development or revision has started, is advanced or yet to commence)*  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Sector under which the policy, plan or programme falls.  
*(Agriculture, energy, justice, forestry, etc.)*  
\_\_\_\_\_  
\_\_\_\_\_
  
5. Applicable legal framework.  
\_\_\_\_\_  
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6. Scope, content and duration of the policy, plan or programme.  
*(Describe whether strategic in nature or intended to target a specific area or sector and set out preliminary resource needs for the policy, plan or programme).*

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7. Priorities, objectives and goals of the policy, plan or programme.  
*(Short description of main priorities, objectives and goals)*

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**Part II. Strategic linkages.**

7. The extent to which the conduct of the strategic environmental assessment will help achieve sustainable development goals and targets.  
*(Describe linkage with specific strategies/goals/objectives in the Green Growth Development Strategy and National Development Plan)*

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7. Impact on other national policies, plans and programmes.  
*(Describe the degree to which the policy, plan or programme impacts other policies, plans and programmes. This helps to determine to what extent important environmental, health and social decisions should be taken).*

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8. Process, technology and technological applications *(Describe the extent to which the policy, plan or programme involves or will involve new processes, technologies or technological applications with significant environmental, health and social implications.*

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9. Consultations with Government institutions.  
*(State relevant Government institutions consulted)*

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10. Public consultations.  
*(State which stakeholders were consulted)*

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11. Stakeholder concerns  
*(Describe the concerns regarding the potential environmental, health or social consequences of a policy, plan or programme)*

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11. Does the policy, plan or programme set a platform for future developments that may require environmental and social impact assessment to be undertaken for projects?  
*(Yes or no)*

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*If yes, describe the extent to which the policy, plan or programme is likely to affect the number, location, type and characteristics of development initiatives that would be subject to project-level environmental and social assessments, as required by the National Environment (Environmental and Social Assessment) Regulations, 2020.*

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**Part III: Likely environmental, health and social impacts of the policy, plan or programme.**

12. Environmental, health and social issues relevant to the policy, plan or programme.

*(Briefly describe environmental, health and social issues in the policy, plan or programme and explain how these may be affected by the policy, plan or programme, whether positively or negatively)*

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13. The risk to the environment, human health and other social considerations.

*(State whether a policy, plan or programme could give rise to issues such as an increase in pollution, noise, vibration, and other environmental problems, with implication on human health).*

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14. The characteristics and nature of the environmental, health and social impacts.

*(Describe the identified, including probability and frequency of occurrence, duration, reversibility, magnitude and extent. The more complex, widespread, long lasting or serious the environmental, health or social impacts, the more likely that an assessment would be required. If an impact is likely to be short term, not repeated and easily reversible, it may be considered insignificant.)*

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14. The scale and spatial extent of the impacts (geographical area and size of the population likely to be affected).

*(This distinguishes between strategic and project level assessment. Policies, plans and programmes typically cover a wider scope compared to projects. There is, therefore, an important connection between the spatial extent of a policy, plan or programme and the scale of the likely environmental health and social impacts)*

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15. Likely impacts on sensitive or fragile ecosystems.

*(Briefly describe if (and how) the policy, plan or programme may affect any sensitive or fragile areas/ecosystems, including the geographical area or landscape, cultural and natural heritage sites and other area of national or international importance; and include spatial representation of the area).*

*This criterion tests whether the areas likely to be affected are specially designated areas and/or more generally valued or vulnerable. Gauging the likely environmental effects of a policy, plan or programme in terms*

*of capacity or limits can be complex as even small environmental impacts may have a 'tipping' effect. At the screening stage, a full analysis of this criterion is not necessary)*

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16. Significance of the likely impacts of the policy, plan or programme.  
*(Describe if the policy, plan or programme is likely to cause significant environmental, health and social impacts)*
- 
- 

17. Potential transboundary nature of the effects identified.  
*(Describe the nature and extent of these impacts. Transboundary environmental impacts arise when a policy, plan or programme being prepared by one State is likely to affect another State in a cumulatively significant manner)*
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18. Potential cumulative impacts of the environmental, health or social issues.

*(Cumulative impacts can be considered in terms of synergistic effects, additive impacts and secondary effects. Cumulative impacts can arise from the combined effects of policies, plans and programmes. They can also arise as a result of interaction between different components of a single policy, plan or programme)*

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*(additional information on any of the above may be provided in attachments to the screening report)*

#### **Part IV: Conclusions.**

18. Whether the policy, plan or programme is likely to have significant environmental, health and social impacts  
*(Yes / No – please provide explanation, and state if the policy, plan or programme should be subjected to the scoping stage)*

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19. What are the resource needs and sources of funds for the policy, plan or programme, including the strategic environmental assessment should it be conducted?

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Date:

Signed by a representative of the ministry, department or agency

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### **SCHEDULE 3**

#### **CONTENT OF SCOPING REPORT.**

*Regulation 9(6).*

1. Title of the scoping report.
2. The ministry, department or agency responsible for the policy, plan or programme.
3. The purpose of the strategic environmental assessment.
4. A summary of the intended approach to the strategic environmental assessment and its level of detail.
5. A brief outline of the main objectives and contents of the policy, plan or programme.
6. A short summary of other relevant policies, plans, programmes or strategies that are likely to be impacted by or that may impact on the policy, plan or programme being assessed.
7. A summary of the environmental, health and social issues to be covered by the policy, plan or programme.
8. Likely transboundary environmental, health and social considerations.
9. A statement about whether any environmental, health and social issues will not be subjected to further assessment and the reasons why.
10. A brief description of the type and range of reasonable alternatives that are or could be considered.
11. The identified stakeholders and proposed period of consultations.
12. Any other information.

## SCHEDULE 4

*Regulation 13(1).*

### **STRUCTURE OF STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT.**

The strategic environmental assessment report shall contain the following:

1. Cover page of the report.
  - (a) Title of the Report (i.e. strategic environmental assessment for .... policy, plan or programme).
  - (b) Ministry, department or agency responsible for policy, plan or programme.
2. Format of Strategic Environmental Assessment Report.
  - (a) Declaration sheet signed by all the persons who undertook the assessment.
  - (b) Declaration sheet signed by the chairperson of the multi-sectoral technical committee.
  - (c) Non-technical Executive summary, briefly describing the SEA and its outcomes and recommendations.
  - (d) Executive summary, briefly describing the SEA and its outcomes and recommendations.
  - (e) Acknowledgement.
  - (f) Acronyms.
  - (g) Details of the persons who undertook the assessment, including their names, contact details, and areas of expertise.
  - (h) Structure of the strategic environmental assessment report, including –

- (i) Introduction ;
- (ii) findings and recommendations;
- (iii) summary and conclusions;
- (vi) a reference list detailing the sources used for the descriptions and assessments included in strategic environmental assessment report; and
- (vi) appendices.

3. Content of the Strategic Environmental Assessment Report.

- (a) A description of the proposed policy, plan or programme or one to be revised, including name, objectives and nature of the policy, plan or programme.
- (b) Approved terms of reference for the strategic environmental assessment, including methodology of work.
- (c) Overview of the relevant laws and policies.
- (d) Status quo of the area of focus.
- (e) Identification, analysis and assessment of likely impacts of the policy, plan and programme on the environment, health and socio-economic aspects and their severity, including cumulative and indirect effects.
- (f) An evaluation of policy, plan or programme alternatives against the status quo, including a zero or no- policy, plan or programme alternative, and a justification for selecting the chosen option, and accepting any significant offset.
- (g) An assessment of the likely residual impact.
- (h) A detailed strategic environmental management and monitoring plan.

- (i) Guidance to focus and streamline any required subsequent strategic environmental assessment process for subsidiary, more specific undertakings such as local plans and more specific programmes.
- (j) Evidence of stakeholder consultations, including reactions, suggestions, and objections and how recommendations have been incorporated.
- (k) Information on likely transboundary environmental, health or social effects of the policy, plan or programme, where applicable.
- (l) Information on likely risks to the environment, human health and other social considerations.
- (a) Findings and recommendations, including—
  - (i) measures to prevent, reduce, mitigate or compensate any adverse environmental, health and social effects that may result from the implementation of the policy, plan or programme.
  - (ii) enhancement and mitigation measures.
  - (iii) management of residual effects remaining after mitigation.
  - (iv) Other recommendations related to the policy, plan or programme.
  - (v) benefits that are anticipated and any outstanding issues that need to be resolved.
  - (vi) institutional strengthening/ capacity building;
  - (vii) any other information required by the Authority, ministry, department or agency.
  - (m) A strategy for monitoring and evaluation.

### **Cross References**

National Environment (Environmental and Social Assessment) Regulations, 2020.

HON. SAM CHEPTORIS,  
*Minister for Water and Environment.*