



Netherlands Commission for
Environmental Assessment

Preliminary Comments on the Draft SEA Report for the National Spatial Plan in Montenegro

Memorandum by the NCEA

19 December 2006



Preliminary Advice of the Netherlands EA Commission

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1. Introduction

In November 2006 (e-mail 29 November 2006), the Netherlands EA Commission received a request from the World Bank to provide comments on the draft SEA report prepared for the National Spatial Plan, preferably before an SEA review workshop, to be held on December 5 in Podgorice, Montenegro. The NCEA stated that the main priority is to do a thorough review, based on appropriate expertise. Due to other commitments and because of short notice, the experts were not able to give comments before this deadline. In addition, the NCEA preferred to review the final version of the SEA report after revisions resulting from consultation on the draft. That way the NCEA could also review how (public) comments have been integrated into the report.

Subsequently, Land Use Consultants informed the NCEA that they would be revising their draft report quite extensively to take on board the endorsements and comments from the participants - but also to meet World Bank concerns that there is not enough evidence of LUC's own conclusions and analysis in the document. Land Use Consultants also indicated that 'it would be perfectly fair for you to carry out your review on the current draft - and we can let you know exactly how it is being modified early next week (which was 11-15 December).

Until today (19 December) the NCEA did not receive a modified version (or modified parts) of the a draft SEA. Because of deadlines, the NCEA decided to summarise observations (general and detailed) on the draft SEA.

The review findings presented below are preliminary and should be read as such. The remarks are fairly critical. The NCEA was not informed about what time was available for the SEA nor the available budget. It could well be that the required additional information identified by the NCEA below, could not have been provided within the above time and budget limitations.

2. Findings of the review of the draft SEA report- general

Approach

The NCEA has the impression that the mindset of the consultant has been that of judging the quality and feasibility of the Plan, rather than identifying environmental and social impacts of the plan and trying to identify alternative options or scenarios. This gives a wrong impression on the purpose of SEA which is to bring people together in planning processes, to structure and feed their debate on the environmental and social consequences of strategic choices. The draft SEA is full of statements on the Plan, like 'The SEA endorses, supports, is not convinced, concludes, finds, etc.'. It is not the purpose of SEA to give opinions on the Plan. Instead the SEA should give insight in the consequences of the plan.

Structure and scope

The SEA is structured according to the themes addressed by the plan and has considered every aspect of the Draft Spatial Plan. The SEA team has decided not to focus on the major issues identified in the scoping report of the NCEA, predominantly linked to the biophysical environment. This resulted in a report containing a mix of sections dealing with major issues and sections with very little concrete information and rather generic recommendations.

Sections without concrete decisions or targets or locations or activities provide very little additional information (e.g. fisheries, maritime economy, social services, education, scientific activity).

The scope of the issues and recommendations is very broad and ranges from typical environmental issues to recommendations on the diversification of the national economy (3.20). The draft SEA lacks a motivation why the team has decided to take a broad approach in stead of focussing on the major issues for which the plan provides the national framework.

The NCEA sees the benefit of the broad approach, as the plan has now been dealt with in its entirety. But, this has gone at the cost of more detailed information on the major issues. It is very clear that energy, tourism, and transport are resulting in major impacts within the plan period; the SEA does not provide much more information than what the NCEA had collected during its 4 day visit in March 2006. No reference is made at all to the ToR (or scoping report) prepared by the NCEA, although these were an integral part of the ToR to the consultant. It is too easy to recommend further studies in sectoral SEAs. This SEA could at least have provided some more sector or area-specific information on the issues that have to be addressed in sector SEAs.

Interactions between plan elements

The SEA is rather weak in trying to identify potential interactions between plan elements. A consistency analysis between plan elements is lacking. Cumulative impacts of plan elements have not been identified either. Appendix 3 mentions a known conflict between tourism development and the protection of cultural heritage in historic cities on the coast. However, in the section on tourism, the SEA does not mention this conflict. Section 1.5 lists a

number of cross-cutting issues that affect many other topics – the SEA does not provide much insight in the consequences of these interactions. The most convincing sections in this respect are the example provided for two road corridors.

Mapping

An important omission is a map. For an SEA for a national spatial plan a map is indispensable. Spatial consequences of plan elements have not been identified. The map should contain the natural resources base, the existing infrastructure and human activities, and the planned interventions (if having clear spatial implications). The layered approach that has been recommended by the NCEA has not been followed; as a result potential overlapping, conflicting or mutually reinforcing elements of the plan have hardly been identified.

Methodology

Each section of the SEA is written in the same format. and consists of the background of the plan element under examination, a brief summary on the draft plans objectives, a discussion on the social, environmental and economic issues raised by the Draft proposals and the findings of the assessment and where appropriate, recommendations. In general it is unclear how the social, environmental and economic issues have been identified (best professional judgement??, by whom??). The same applies to the findings and recommendations: how have they been identified, by whom, are they endorsed by Montenegrin experts? Are the findings correct and realistic? To whom are they addressed?

In general, in the ‘findings and recommendations’ sections, the NCEA would have expected information for decisions that will/have to be taken in the Plan. However, these are not mentioned in the SEA report.

Alternative options are lacking: these could have been included as part of the format, being an important element of any SEA.

Relation SEA and National Spatial Plan

The SEA lacks mentioning how its findings can be used in the next steps of the drafting of the National Spatial Plan.

Recommendations

The recommendations given to improve the quality and effectiveness (user friendliness for lower tiers in government) of the national spatial plan are relevant and well stated.

The recommendation on the need for further SEAs and EIAs (especially for the energy, roads and tourism sectors) are fully supported.

3. Findings of the review of the draft SEA report - detailed observations per paragraph

Non-technical summary: Mention is made of the 5 December workshop and that the SEA will be made available to the public through the internet. It is not clear how what will be/has been done with the comments during the workshop; there is no reference to any kind of feedback mechanism. No information is provided on how the SEA results will feed into the planning process.

Non-technical summary: Energy: 'further study is needed to optimise a programme for energy development'. What kind of study, by whom?

Last paragraph: contains a disclaimer by the consultants on having no personal knowledge on Montenegro. This could have been easily avoided by spending more time in Montenegro (apparently now only 3 days in total) or working together with Montenegrin consultants (as has been suggested by the NCEA). EXPEDITIO has only been giving logistical support. A check by a Montenegrin expert before releasing the document at the SEA workshops would have prevented incorrect information in the SEA report.

Section 1.1.: The 10 steps approach as suggested by the NCEA in its ToR is only referred to briefly in the Appendix 1. The draft SEA does not explain why these ToR have not been followed. (The NCEA is aware that a scoping document has been prepared by LUC, which gives more information on this aspect; this should have been included or summarised in the SEA report as well).

Section 1.2.: mentions that the SEA will be accepted or rejected. No further explanation is given on who has to accept/reject, and what will be done in case additional information has to be provided. No reference is made at all to e.g. the review role of the Ministry of Tourism and Environmental Protection, or the relation with the Review Commission of the National Spatial Plan.

Section 1.5: Key components are listed, but are not referred to any more in the next chapters. No explanation is given why these key components have been selected and what 'cross-cutting' means, in terms of e.g. cumulative impacts.

Section 2.7: Appendix 2 gives an interesting and useful approach, but seems to be incomplete. Only 2 policy statements have been identified?

Section 3.8: generalised statement. Please provide some more hints on what exactly is meant by applying the precautionary principle. NCEA understands the principle as acting cautiously if information is insufficient. Here it obviously is used in a different meaning, as a fall-back option.

Section 3.15 and 3.16: Industry and mining. Contains information on activities not really related to industry and mining (e.g. last bullet of 3.15 is on large infrastructure structures). Mining activities are not mentioned at all (let alone its social and environmental consequences). It is not clear what the link is between this information and the recommendations.

Section 3.20: Reference is made to CIA World Factbook. Montenegrin reference material would no doubt also have been available. In this paragraph the SEA 'encourages' diversification of the economy, which is not for the SEA to decide (or recommend). No information is given on environmental or social impacts of industry and mining.

Section 3.21: please provide more specific information on what exactly is lacking and what the Final Plan should therefore contain.

Section 3.27: Conclusion? Should the Plan contain these kind of maps?? Please be more clear.

Section 3.31: No reference at all to environmental or social aspects: e.g. the bullet referring to 'effective' forest management should rather discuss 'sustainable' forest management.

Section 3.32: 'Proper regulation and control', please specify.

Section 3.33: Reference is made to the use of EIA and SEA. Especially as the SEA for the National Spatial Plan is meant as a pilot to demonstrate good SEA practice, further explanation is probably required here to show how an SEA for the National Spatial Plan is different from and SEA for e.g. the forestry sector (and how they relate to each other). Otherwise this will probably cause a lot of confusion. In 3.33. The SEA report could have already listed some minimum contents for this forestry sector SEA.

The sections on fishing do not add much. Recommendation 3.37 has worldwide applicability.

Section 3.41: Reference is made to the Master Plan for Tourism Development: but it is unclear which parts of the Tourism Plan have been adopted by the National Spatial Plan (or are likely to cause conflicts with other plan elements?). In general no overview is given of already available plans which may have implications for the National Spatial Plan (see ToR NCEA: consistency analysis). No reference is made at all to an important document as e.g. the National Sustainability Strategy.

Section 3.44 to 3.48 lists a number of relevant problems and concerns in relation to tourism development, but fails to give recommendations what the National Spatial Plan should do about it.

Section 3.51: 'too small'? This is not for the SEA to decide. Moreover, what will be the situation in 2020, this could by then have other dimensions? No reference is made to marinas.

Section 3.52: Mention is made of likely conflicts: SEA could have easily indicated these areas on a map.

Sections on social services, education, scientific activity, culture and physical education, health institutions, social care and protection of children: are the important in terms of Spatial consequences? Potential conflicts with other plan elements? Alternative options? Significant environmental or social impacts? If not, this should be stated, and these chapters could have been dealt with less extensively.

Section 3.79 Why would ageing population get more attention when the basic preventive and curative services are still underdeveloped?

Section on transport; not entirely clear when routes are upgraded or are being newly constructed? No mention is made of transboundary issues.

Section 3.94: Ports: 'their growth will be carefully regulated' How and by whom?

Section 3.98: Refers to a number of priorities for action, but gives no further information. This section only has two lines, whereas transport should be one of the key issues in the SEA report. It does not seem logical that other elements of the Plan are given more attention in the SEA report.

Section 3.100: 'Road building may also increase pressure..'. Yes, in theory this is possible: the SEA should indicate clearly what is the situation in Montenegro!

3.101 Citation: 'In addition, some parts of the road network are likely to generate greater adverse effects than other'. This phrase very clearly illustrates the weakness of the SEA, because here the NCEA would have expected more detailed information. Such a statement cannot be accepted in an SEA if there is no further substantiation of it. Moreover, again mention is made of more work to be done: in the Plan? In sector studies? This remains very unclear.

Section 3.102 provides examples of the road corridors with relevant and site-specific information. This would be needed for all proposed new corridors. Mention is made of the fact that 'a regional plan should examine..'. How is this related to the National Spatial Plan. Does this plan figure exist at all? Who would be the responsible authority to prepare such a plan?

Part on Belgrade motorway: mention is made of major environmental and social limitations: which ones?

The Energy Sector Development Section is the most important issue, but only appears as one of the last parts of the SEA draft.

The section on hydropower is very disappointing, as it does not provide more information than the NCEA scoping report. The main reason of course lies in the non-availability of the energy sector strategy. However, since the main locations for proposed hydropower are known and mentioned, the SEA could have provided further information on the issues surrounding each river basin (for example the Upper Tara river plans have already been cancelled under high societal pressure and the highest protected status of the Tara river canyon. It is strange to see these plans reappear again without mentioning the history of the plan.

Given the high priority of energy and the great social upheaval associated with it the NCEA had hoped for some more information. Now this section seems to contain a lot of 'textbook' information, not really made specific for the Montenegrin situation.

The section on social, environmental and economic issues (3.117 – 3) contains very generalised statements without any specific reference to the actual situation in Montenegro, or to the individual river basins. The NCEA would prefer to have this section removed as it seriously undermines the credibility of the SEA. (For example the statement 3.119 is silly). There is a gigantic knowledge base on the impacts of dams (e.g. the World Commission on Dams); this SEA could either refer to this existing knowledge or provide more site-specific assessments. (E.g. potential impacts on Skadar Lake aren't

mentioned; interference with water supply to coastal area from Skadar lake could be an issue.)

In section 3.124 reference should be made to the fact that an enormous proportion of the national energy demand is created by two companies only. Is there any information on the viability of these industries in future? If a privatised aluminium plant would decide to move to another country it would create a totally different perspective on the national energy deficit.

The recommendations on energy are strong and necessary.

3.130 – 3.133: Hydrotechnical infrastructure.

The provision of drinking water in the coastal area is a contested issue. The world bank studies on the alternatives, i.e. local groundwater versus centralised water supply from Skadar Lake (a protected Ramsar site), could have been mentioned, including the opposition against it. Similarly, exploitation of groundwater resources is problematic in some areas.

The lack of clear indications on the means of implementation in the plan has resulted in this minimal section. Nevertheless, the NCEA thinks that a few more words on the potential environmental issues related to water exploitation could have been made.

3.140: Eight landfill sites have been identified. Site specific issues could be included in the SEA.

3.146 – 3.155 Protection of environment and cultural heritage. There are plans for extension of protected areas. Is there any potential overlap with other plans? The use of the layered approach, as suggested in NCEAs scoping report, would have provided a map of proposed activities (landfills, road corridors, hydropower plants, exploited forests, agricultural lands, existing and new protected areas, etc.) where potential cumulative or synergistic impacts could easily be identified.

4. Observations on the SEA pilot review workshop –general

The NCEA visited Montenegro from 10-14 December, with the main objective to assist the Ministry of Tourism and Environmental Protection with the development of a Strategy for SEA Capacity Development for the next 5 years. Since this visit took place a week after the Pilot SEA report workshop (5 December), a number of meetings was scheduled to get an impression of how participants experienced this meeting.

The observations on the SEA pilot review workshop can be summarised as follows:

There is a widespread consensus that the SEA exercise was worthwhile, and that SEA is a useful planning tool, even though the immediate impact on the spatial plan is not entirely clear.

Process comments:

There is lack of ownership of the SEA process, not clear who is driving it, no press releases, explanations of the process by government people, etc.

- Not all relevant stakeholders were involved in the participation.
- In particular, there is a revision commission that has been appointed to review the spatial plan. It is an expert commission consisting of 24 more senior respectable members (former ministers, etc). These were not present at the SEA workshops, which is a missed opportunity, their work could have been informed by the SEA, and they could have partaken in the workshop discussion since similar topics have been addressed in the commission meetings as were raised by Peter Nelson.
- SEA information was not available on time, report was provided at the meeting not before. Spatial plan was not available at all.

SEA report content comments:

- Positive impression of the quality of the report.
- Main strategic choices unclear in the plan, and, albeit to a lesser extent, also in the SEA.
- Some of the data not is correct, in part because it is not correct in the spatial plan.
- More concrete information was expected.
- Mapping of consequences helpful.

5. Observations on the SEA pilot review workshop –detailed observations

Results of comments made by people that have participated in the SEA review workshop. Some of them said that they were hesitant in providing (too) critical remarks. The NCEA has indicated that the comments will only be used to get an impression on the quality of the SEA workshop. Names of interviewed people will therefore not be mentioned specifically.

- SEA is an important tool, it is a control mechanism, are we making mistakes in our planning? Especially since for tourism it is necessary to protect natural resources. There is a practice of doing studies on environmental consequences usually for the preparation of tourism plans.
- The spatial plan is an important document for tourism, it sets the framework for the revision of the master-plan for tourism, to be ready in February. This plan will include mountain tourism, which will be a new element.
- The Pilot SEA report should include more concrete indicators to indicate when bedding capacity has unacceptable environmental effects. Preferably using international standards for tourism, that indicate the pressure on an area as result of the number of tourists and types of tourism that you are drawing to an area.
- Expectations to find more concrete data in the SEA.
- The SEA should also be checking the projections that are made for tourism developments.
- Table 19 in the SEA report does not provide useful information, and should just be removed. That section of the report seems to criticise the projections without explaining why they are wrong.
- For the north of Montenegro the accommodation projection, structure of accommodation, is not appropriate.
- It would be good if the SEA report can give recommendations for what should be studied in an SEA for sectoral/local level tourism planning.
- The spatial plan is lacking an integral view on spatial development, it is too much a combination on plans per ministry.

- Other plans that are going to be initiated in the next two years: agro-tourism strategy, cultural tourism etc.
- Main problem with the spatial plan is that the main decision, the trade-offs that need to be made in the planning process are hidden in the plan. It is a combination of wish-lists from different ministries. In the SEA report these decisions are more clearly identified, but will this information get to the ministers?
- There is a revision commission that has been appointed to review the spatial plan. These were not present at the SEA workshops, which is a missed opportunity, their work could have been informed by the SEA, and they could have partaken in the workshop discussion since similar topics have been addressed in the commission meetings as were raised by Peter Nelson.
- There has been a lot of media attention for the SEA, but the ministry of plan contractor has no voice in the media (has not made statements etc). Main message: Landuse consultants has declared the plan no good.
- It is necessary to explain the role of the SEA to the general public through the media. The Environment Ministry should do this.
- Overall conclusion is that the SEA provides good information and raises good questions, but for the wrong audience.
- For future SEA development the University Architecture faculty, the academics there are likely be contracted for SEA, and need to understand the multidisciplinary character of SEA.
- The SEA pilot was good and valuable.
- Problem at the meeting was that the participants were not familiar with the draft spatial plan, and were not very active in the discussion, those who did make comments were not objective.
- The SEA report had not been distributed beforehand, so there was no time to go through the information and prepare responses. This participant looked through the energy aspect during the meeting, and commented on those.
- In the energy section of the pilot report, there are some incorrect conclusions and interpretations. Figures and certain percentages are incorrect, and even differ from the information in the spatial plan. Main points: thermal power plants are mentioned in the report as if they exist already, while in the plan they are mentioned as an option for the future. Could be a translation problem, if hydro and thermal power have been confused, for example.
- Participant understands that the SEA report will now be revised and finalised, but it is not sure how the report will be distributed. Participant expects that there will be changes to the spatial plan because of the SEA, but it is difficult to say on which topics. If the SEA shows negative impacts then participant is sure that the plan will be changed because of this. For example, consider different way to generate energy.
- At the energy department colleagues are informed about SEA, but there is a common misconception, that because they make energy plans they will not be confronted with SEA.
- Current Energy strategy should be subject to SEA, but there is probably not enough time to make changes to the strategy, currently trying to accelerate the completion of the plan. Not likely that the strategy will be released for public debate, but there may be some panel discussion with selected stakeholders. Time horizon for the current Energy is 2025, but it will need to be reviewed periodically, then SEA will come into the picture.

- At the moment the department is working on strategy for renewable energy resources.
- Another possible SEA pilot could be the Strategy for development of industry and mining, by the Ministry for Economic Development, Industry and Mining sectors.
- The Montenegrin strategy for sust. development is an example of a good and participative planning process. There is a good interest in participation amongst the public.
- The Spatial plan is not an example of a good planning process. The SEA indicated weaknesses of the spatial plan, but it is still reserved, especially considering the amount of time that was spent on the plan. The spatial plan is a catastrophe, drafters were using incorrect input.
- Experts working on the spatial plan are mostly older people, do not understand global changes. Also, it is difficult to balance tourism development and environmental protection, the country needs assistance with this aspect.
- The spatial plan does not reference the sustainable development strategy, while this strategy received good consensus and support, and is recent (last draft from June this year).
- At the National Council for Sustainable Development meeting the spatial plan and SEA were discussed. There was criticism on the transparency of the process, people are interested but not informed. Government should be asking people to participate, but they do not. The prime minister gave an assurance at the meeting that the remainder of the spatial plan process would be more participative. (Also assurance given at the council meeting that inspectors would be sent to the mountain area to look for illegal destruction.)
- There was an SEA presentation to the council, but the information was not distributed beforehand, so people were confronted with the document for the first time. Journalist are also not sufficiently informed.
- Many attacks were made on the spatial plan at the council meeting, there is a suspicion that the spatial plan was done badly on purpose, as starting point for negotiation.
- At the pilot SEA review meeting: Did not receive SEA report on time to provide good input.
- Some good and some poor information in the report. SEA report inclined towards energy issues, pro-powerplants. Reports list cultural benefits of hydropower plants, which are not really relevant. Other example, it is not noted in the report that a section of the Tara river is an UNESCO heritage site.
- Section on social/cultural effects in the SEA report is too limited.
- There should be a recommendation in the SEA that there be a strategy on renewable resources.
- The participant will take some arguments from the report to attack the spatial plan.
- Overall participation for the plan was not given enough time given, and after six years for the plan, 3 months is too short for an SEA.
- Montenegro has only one development alternatives, sustainable development. Therefore, sustainable development should be framework for SEA, because an ecological state is the overall goal for Montenegro. Although participant understands that an SEA is not necessarily pro environment report, because there are other interests also.
- SEA was useful, although it may not have an impact in the key decisions. It does open people up to new ways of thinking. Anyone who reads the

document, can learn how to make better plans. It is also useful for people to get a better understanding of the spatial plan.

- Generally, really satisfied with the pilot SEA.
- Because the spatial plan is contentious, it is especially good to have SEA as part of the process, especially undertaken by an outside foreign expert, people are more likely to listen (Montenegrin cultural aspect).
- This was the first time that an SEA took place, so each person involved is finding their role as they go.
- Concern is that people who are making the decision will take note of the SEA information. The SEA report should be sent to the commission for revision of the spatial plan, because they were not present at the meeting but has an important role in the planning process.
- Time for the SEA process was too short. Not enough time for additional participation meetings, it might have been better to have separate discussion with different stakeholder/interest groups.
- The SEA report was provided at the meeting, but not before. Therefore there was too little time to read the report. But the general impression is that the report content was good.
- Especially useful that the report showed how the strategy of regional development will work out (by way of the "Circles over the cities", visuals and mapping diagrams), namely create misbalance between north and south.
- Would be good to have short summary of the SEA report for the general (uninformed) public.