

The Dutch sustainable energy transition: impact assessment “all over”. How does SEA fit in?

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National Climate Agreement 2019 (www.klimaatakkoord.nl)



- > 100 parties (government, CSOs, companies)
- Agree on measures to reduce GHG emissions
- Joint fact finding (381 documents); PBL Netherlands Environmental Assessment Agency
- 600 agreements; some controversial, e.g.:
 - All buildings natural gas-free (2030)
 - Wind and solar on land

“Governance agreements”

- Agreements between private, public and civil sector (collaborative governance)
- Substantiated through joint fact finding (impact assessment)
- Frequent feedback with home base
- Include parliamentarians
- The collaborative governance process anticipates public decision procedures (“In the shadow of” public decisions - some require SEA)
- Assumption: If representative democracy is healthy, as few stakeholders as possible will be “left behind” or else the agreement gets stuck in formal public decision-making.

Based on: [ROB \(2020\)](#)

Spatial decisions needed to make the Climate Agreement 2019 legally binding

- With mandatory SEA (legal base: the new Environment and Planning Act) :
 - National Environmental Planning Strategy (expected 2021)
 - Municipal development plans (hundreds)
- Without mandatory SEA (no legal base – part of the Climate Agreement 2019):
 - Regional Energy Strategies (30)
 - Several regions undertake voluntary SEA

Collaborative governance has influenced the tiering of planning and partially also the tiering of SEA

Turmoil

- Growing resistance (e.g.):
 - Most unwilling to pay for natural gas-free homes
 - Windmills always receive local resistance (NIMBY)
- Hand in hand with climate scepticism and polarisation

Emerging questions:

- Is the NL contribution to the Paris Agreement at risk ?
- How can collaborative governance and / or SEA help?

Scientific Council on Public Administration

- In a polarised setting, the technical aspect of assessments may be less an issue than the psychology of sharing risk.
- Collaborative governance therefore may speed up sustainable transitions
- To increase its relevance to public decisions, seek balance (e.g.) :
 - between inclusiveness and willingness to collaborate
 - between generic impacts / spatial elaboration

Nothing about SEA (disconnect joint fact finding – SEA)

And the connection between joint fact finding and SEA ?

For discussion :

1. SEA scope: how should it relate to joint fact finding ? (context is everything)
2. SEA : should it be directly applied to governance agreements – joint fact finding directly feeding into SEA – i.e. adding a quality check ? (to prevent that adverse impacts are passed on to the local level)

NCEA advice (2019)

Don't decentralise SEA all the way to the local plans as upscaling will:

- Improve the quality of decisions
- Speed up the energy transition
- Simplify the assessments
- Secure the structure of participation
- Enforce the assessment of alternatives
- Reduce legal risks at local level

10 ways to increase relevance of governance agreements to public decisions (CPA 2020)

- Only where the government must make painful decisions
- Be clear what the agenda is
- Avoid political and legal risk by applying existing guidance for governance agreements
- Clarify the roles of the government
- Balanced representation of all interests
- Involve parliament in the process
- Allow sufficient time for consultation of home bases
- Government should use the governance process to position parliament in their successive role of competent authority
- Make use of previous experiences (governance is a learning process)
- Balance connecting / negotiating; openness / closedness; firm deals / flexibility; and generic agreements / spatial elaboration.

Sources

- www.klimaatakkoord.nl
- <https://www.pbl.nl/en/topics/energy-and-climate-change>
- <https://www.raadopenbaarbestuur.nl/actueel/nieuws/2020/03/12/besturen-met-akkoorden>
- <https://www.ontwerpnovi.nl/english/default.aspx>
- <https://commissiemer.nl/adviezen/3340>
- <https://eenvandaag.avrotros.nl/panels/opiniepanel/alle-uitslagen/item/dat-de-aarde-opwarmt-door-de-mens-geloven-steeds-minder-mensen/>
- <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2020/06/25/inzicht-in-participatie-bij-windenergieprojecten-verkennende-studie-zes-europese-landen/bijlage-inzicht-in-participatie-bij-windenergieprojecten-verkennende-studie-zes-europese-landen.pdf>
- <https://nos.nl/artikel/2278034-scp-nederlanders-hebben-gevoel-dat-polarisatie-toeneemt.html>
- <https://npofocus.nl/artikel/7527/wat-is-populisme>