

MEETING DOCUMENT

Wadden Sea Board (WSB 43)

16 May 2024
Ameland, the Netherlands



Agenda Item:	5.1 Protect and strengthen the Outstanding Universal Value (paras 1-16)
Subject:	Progress on Strategic Environmental Assessment
Document No.:	WSB 42/5.1/2
Date:	24 April 2024
Submitted by:	TG-WH/SEA subgroup and CWSS

The development of a joint Strategic Environmental Assessment (joint SEA) to assess the cumulative impacts on the OUV of the property was requested by the World Heritage Centre (WHC) in [Decision 45COM 7B.23](#) adopted by the World Heritage Committee at its 45th session (10-25 September 2023).

The trilateral SEA subgroup, established by the TG-WH to discuss and propose a way forward for the development of the joint SEA, presented a proposal which was endorsed by WSB 42 and was included in the [SOC report 2024](#) submitted to the WHC in February 2024. The WSB 42 further agreed that the three States Parties should prepare and communicate on their timeframe and level of ambition for the joint SEA. The TG-WH was requested to submit a proposal to the next WSB meeting, e.g., outlining the division of labour between national and trilateral levels, timeframe, and scenarios on ambition and budget.

This document responds to WSB 42 requests by building on the previous proposal.

Proposal: The meeting is invited to **comment and endorse** the further detail on the steps to develop the joint SEA,
to **support** the preliminary roadmap to develop the national components and the joint SEA,
to **discuss** the budget and **approve** one of the scenarios.

I. Detail on the steps to develop the joint SEA

The working structure for the development of the joint SEA to assess cumulative impacts (Fig.1) and the steps (Table 1), endorsed in the WSB 42 and included in the SOC report 2024, have been used by the SEA subgroup as a framework for discussion and agreement on the further details of the steps. These agreements can continue to be refined trilaterally as the process progresses.

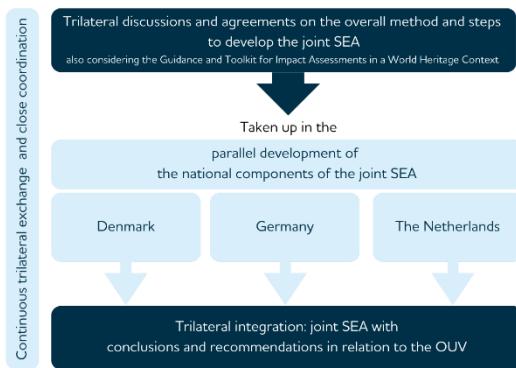


Figure 1. Proposed working structure for the development of the joint SEA to assess cumulative impacts.

Table 1. Steps of joint SEA including a preliminary idea of which steps require trilateral work and national work.

Steps to develop the joint SEA	National work step	Trilaterally coordinated approach
1. Description of existing protection regime/legal system including map with Natura 2000 sites and other areas protected under different regimes and the WH area.	x	Integration on one map
2. Screening and scoping: identification of relevant types of plans, programmes, and projects to consider, the impact related delimitation, period to review, whom to involve, identification of key values-attributes and gaps.	x	Common understanding of what to include and whom to involve
3. Baseline scenario: description of relevant aspects of the current state of the environment. A previous agreement on method and approach is needed, i.e., baseline scenario based on expert assessment or based on indicators and including the OUV attributes.	x	Previous agreement on method and approach
4. Assessment and analysis of foreseeable future impacts on the baseline (current state of the environment), including cumulative impacts, taking up trilateral agreements.	x	x
5. Appropriate stakeholder consultation and participation.	x	TWSC groups, WST
6. Conclusions and recommendations: Trilateral compilation and integration of outcomes of step 4 with special focus on cumulation, recommendations, for example to adapt planning processes permitting procedures to include OUV and attributes	x	x
7. Submit the joint SEA report to WHC		x

During the discussions to reach agreement on the method and detail of the steps for developing the joint SEA, the SEA subgroup found it useful and necessary to proceed with the collection of information and the development of the content of certain steps. For steps 1, 2 and 3 (Table 1), the collection of fundamental information has started. Step 1 is expected to be completed by June 2024. Step 2 will include a pre-screening exercise to facilitate trilateral agreement on the programmes, plans and projects to be included in the joint SEA. Pre-screening is expected to be completed by June 2024. The following text summarises the further details discussed so far by the SEA sub-group for each step.

Step 1. Description of existing protection regime/legal system including a map with Natura 2000 sites and other areas protected under different regimes and the world heritage area.

National work step	Trilaterally coordinated approach
<p>Outcome: Overview of legal regime per country and map</p> <ul style="list-style-type: none"> The legal regime overview includes rules, policies, and norms binding to the public administrations, target the protection of the OUV key values and address cumulative effects. The overview map includes all areas that support the purpose of protecting the OUV key values and support maintaining the integrity of the world heritage site effectively. <p>To consider: Implementation of legal regime is different in the three countries. Besides the legal regime itself, include existing and upcoming overarching analyses of effectiveness and gaps.</p>	<p>Provide information on the legal regime according to agreements.</p> <p>Provide geographical information according to specifications given by CWSS.</p> <p>Agree on a predefined format to summarise and systematise legal regime (e.g. name, summary, rel. to EU regime, OUV key values, how are cumulative effects being considered). CWSS to provide specifications/requirements for the geographical information.</p> <p>Integration of legal regime in a way that is manageable/visible/usable.</p> <p>Integration on one map showing areas protected under different regimes and the World Heritage area.</p>

Step 2. Screening and scoping: identification of relevant types of programmes, plans, and projects to consider, the impact related ‘Wider Setting’ delimitation, period to review, whom to involve, identification of key values-attributes and gaps.

	National work step	Trilaterally coordinated approach
<p>Outcome: Pre-screening: List of the selected OUV-relevant programmes, plans and projects for SEA</p> <p><u>Pre-screening steps:</u></p> <ol style="list-style-type: none"> 1. Trilateral comparison on how programmes, plans and projects are defined per country (art. 6 Habitats Directive, differences in MSFD implementation) 2. List the programmes, plans and projects per country and per sector (fisheries, shipping, tourism, coastal flood defence and protection, energy) and indicate whether they require an EU-SEA/EIA (different considerations per country). Timeframe: since 2009-2014 to now. When in doubt → include the programmes, plans and projects to discuss in the group. 3. The SEA group selects the relevant programmes, plans and projects for SEA according to their relevance to the OUV. 4. Map the selected programmes, plans and projects. <p><u>To consider:</u></p> <p>National differences in the implementation of EU-SEA/EIA assessment and potential gaps are a possible outcome. Pollution, litter etc. will be considered in the baseline scenario (see Step 3), since these are not programmes, plans and projects. These also have implications on the definition of the ‘Wider Setting’.</p>	<p>Provide information on the definition of programmes, plans and projects per country.</p> <p>Compile the list of programmes, plans and projects per sector indicating whether they require an EU-SEA or EIA.</p>	<p>Common understanding of what to include and whom to involve.</p> <p>Trilateral comparison</p> <p>Trilateral integration of lists and information on programmes, plans and projects.</p>

Step 3. Baseline scenario: description of relevant aspects of the current state of the environment. A previous agreement on method and approach is needed, i.e., baseline scenario based on expert assessment or based on indicators and including the OUV key values/attributes.

The SEA subgroup researched the baseline scenario definition in the context of SEA in several sources¹. The definition across sources suggests that the baseline scenario for a SEA refers to the current condition of the environment/OUV key values (see OUV key values on [page 17 of the SIMP](#)). The [UNESCO Guidance and Toolkit for Impact assessments](#), further advises:

- p. 5: “Although the baseline assessment concerns the current situation, it may be useful to revisit the condition of a World Heritage property at the time of its inscription, so that subsequent changes to OUV and the property’s state of conservation can be measured, and potential vulnerabilities identified.”
- p. 6: “The current state of the World Heritage property, its Outstanding Universal Value and attributes is used as a baseline during the subsequent *impact assessment stages* (Section 6.8), which compare the future of the World Heritage property with and without the proposed action.”

¹ Operational Guidelines for the implementation of the World Heritage Convention, the UNESCO Guidance and Toolkit for Impact assessments, the UNESCO Guidance for Wind Energy Projects in a World Heritage Context, EU SEA Directive and Protocol, examples from SEA in the World Heritage sites Sundarbans and Swiss Alps Jungfrau-Aletsch, and the Organization for Economic Cooperation and Development Assistance Committee (OECD-DAC) guidelines for applying strategic Environmental Assessments.

The SEA subgroup recognises that programmes, plans and projects in the SEA are assessed against the current baseline, but this baseline may represent significant changes from an even earlier state of the system (shifting baselines). In addition, the Subgroup also recognises the need to consider the desired state of the environment/OUV key values and recommends that this be pursued in parallel but independently of the joint SEA process. Preliminary results of the desired state of the environment/OUV key values could be used in the joint SEA analysis.

	National work step	Trilaterally coordinated approach
<p>Outcome: Table of what studies are available per country and year of when were they done.</p> <p>Baseline scenario for joint SEA based on metalevel studies per country, i.e., Natura 2000 and MSFD and WFD reports (and others) produced in the last six years. Trilaterally the QSR (synthesis report planned for 2025). For the state of the Wadden Sea at the time of inscription on the World Heritage List, use the nomination dossiers, QSRs and EU Directive-related assessments carried out at that time.</p> <p><u>Additional information to consider:</u></p> <p>Ongoing studies on the state of the environment (Waddenacademie).</p> <p>Evaluations in the framework of Natura 2000, MSFD, WFD.</p> <p>Databases of SEA/EIA-evaluations:</p> <p>https://eahub.miljoeportal.dk/home</p> <p>https://www.uvp-verbund.de/startseite</p>	<p>Compile per country available studies (preferably going back to 2009)</p> <p>Compile SEAs and EIAs per country</p>	<p>Previous agreement on method and approach.</p> <p>Trilateral compilation for the updated baseline. Integrate all in one table with links, topic, framework, and year.</p> <p>Overarching trilateral description of the baseline scenario.</p>

Step 4. Assessment and analysis of foreseeable future impacts on the baseline scenario (current state of the environment), including cumulative impacts, taking up trilateral agreements.

The purpose of the SEA is to assess the consequences and cumulative impacts of known programmes, plans and projects on the OUV of the property, with the aim of using the results to inform decision-making. The programmes, plans and projects selected in pre-screening (Step 2) are considered to assess and analyse the foreseeable future impacts on the current state of the environment/OUV key values (Step 3) including cumulative impacts. The assessment also considers current protection regimes (Step 1).

Further discussion and guidance are needed at a technical-methodological level, for which the support of the Netherlands Commission for Environmental Assessment will be sought. This Commission has supported the UNESCO and advisory bodies in the development of the [UNESCO Guidance and Toolkit for Impact assessments](#), thus helping to align it with the requirements for EIAs in the EU context.

The assessment itself will be carried out within the national components, which will then be integrated trilaterally into the joint SEA after appropriate stakeholder involvement (including cross-border programmes, plans and projects, for example Eems-Dollart).

It is important to maintain a trilateral exchange on the methods and coordination of approaches during this phase to ensure timely adaptation and comparability for the trilateral joint SEA.

Step 5. Appropriate stakeholder consultation and participation.

Stakeholder participation will take place during the preparation of the national components of the SEA and during the integration into the trilateral joint SEA. In the national components, each country will involve stakeholders in accordance with nationally defined, usual consultation procedures. These include hearings at early stages (scoping) and later at the assessment stage. Among the stakeholders to be engaged at national level are environmental NGOs and multi-stakeholder advisory bodies.

Under the ESPOO Convention, which aims to prevent, reduce and control significant adverse transboundary environmental impacts of proposed activities, certain plans and projects in the Wadden Sea region are already subject to cross-border consultation.

At the trilateral level, additional opportunity for participation will be offered to comment on the joint SEA integrating the national components and with conclusions and recommendations in direct relation to the OUV key values. The trilateral consultation will involve the TWSC groups, the Wadden Sea Team of environmental NGOs and other proposed relevant trilateral stakeholder groups.

Step 6. Conclusions and recommendations: Trilateral compilation and integration of outcomes of step 4 with special focus on cumulation, recommendations, for example to adapt planning processes permitting procedures to include OUV key values and attributes.

The support of a consultant/group of consultants on the development process will be sought. See III. Budget scenarios below.

Step 7. Submit the joint SEA report to WHC.

The SEA subgroup proposes to aim to complete the joint SEA by October/November 2025, with a view to include its conclusions and recommendations in the forthcoming Ministerial Declaration.

II. Preliminary roadmap

Date	Milestone
March - April 2024	Discussions and agreements on ambition, timing, and budget at the national and trilateral levels.
March – May 2024	Compilation of information (country level and trilateral level) according to agreements in table above “Steps to develop the joint SEA” Periodic exchange for coordination, solution of problems/barriers.
May 2024	Integration of information for pre-screening. Drafting of assignment for national components of the SEA as appropriate.
15 May 2024	WSB 43
June-September 2024	Plan Meeting with World Heritage Centre, IUCN. National procurement processes: Engage external support for conducting national components of SEA as appropriate. <u>Budget scenario 1:</u> Engage external support on the entire development process, including involvement on the national components of the joint SEA.
October 2024 /May 2025	Development of the national components of SEA arranged per country within this timeframe. Stakeholder participation process (national level) according to EU directives. National integration of comments. Periodic trilateral exchange for coordination, solution of problems/barriers.
Autumn 2024	WSB 44 (additional meeting and communication per email before WSB 44 might be needed)

January - February 2025	Plan Meeting with World Heritage Centre, IUCN (and/or in June)
February – March 2025	<u>Budget scenario 2:</u> Engage external support for the trilateral integration to produce the joint SEA.
Spring 2025	WSB 45
June – August 2025	Trilateral integration: Joint SEA
August 2025	Additional WSB meeting for approval of draft joint SEA for trilateral stakeholder participation
August – September 2025	Plan Meeting with World Heritage Centre, IUCN Stakeholder participation process (trilateral level)
October - November 2025	Integration of comments. Final joint SEA to submit to WHC
Autumn 2025	WSB 46
October 2025 – March 2026	Drafting of the Ministerial Declaration 2026
Spring 2026	15th TGC

III. Budget scenarios

For the national components, each country is free to decide whether to seek external support and the level of resources to be allocated. For trilateral integration, the SEA subgroup proposes two scenarios with budgetary implications:

Scenario 1. A consultant or group of consultants (ideally trilateral) experienced in SEAs is appointed for the whole development process, including supporting the most consistent development of the national components, supporting exchanges and agreements to get what is needed for a joint SEA that is useful and meets expectations. The consultant or group of consultants will support the trilateral stakeholder consultation and will be responsible for assessing and integrating the inputs and preparing the final joint SEA to be submitted to the WHC. Time commitment: October 2024 - December 2025. Best guess of budget required: €200.000.

Scenario 2. A consultant or group of consultants (ideally trilateral) experienced in SEAs is engaged after the national components are completed in May 2025. The consultant or group of consultants will carry out the trilateral stakeholder consultation, assessment and integration of inputs and prepare the final joint SEA to be submitted to the WHC. Time commitment: June 2025 - December 2025. Best guess of budget required: €100.000.

	Scenario 1	Scenario 2
Pro's	<ul style="list-style-type: none"> • Higher probability to assure comparability of national components. • After national components are completed, less time needed for integration since the consultant/group of consultants are already familiar with the content. 	<ul style="list-style-type: none"> • Cheaper

Con's	<ul style="list-style-type: none">• More expensive• Could be more difficult to find qualified consultant with availability for a longer period.	<ul style="list-style-type: none">• Risk that the national components are not fully comparable.• Time needed to familiarise with the content of the national components, which could jeopardise the timetable.
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