

Guidelines on the Strategic Environmental Assessment of Urban Planning Documentation



Action implemented by:

**Guidelines
on the Strategic Environmental Assessment
of Urban Planning Documentation**

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List of abbreviations

SBN	State building norms
UPD	urban planning documentation
UNECE	United Nations Economic Commission for Europe
EU	European Union
MEPNR	Ministry of Environmental Protection and Natural Resources of Ukraine
MoH	Ministry of Health of Ukraine
EIA	environmental impact assessment
SEA	strategic environmental assessment

Foreword

The United Nations Economic Commission for Europe (UNECE) is the secretariat of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (SEA Protocol). It thus supports the application of SEA in Ukraine as a part of the EU4Environment programme funded by the EU (2019 to 2024).

Although the Law of Ukraine “On Strategic Environmental Assessment” was adopted on 20 March 2018, the public authorities, representatives of State administrations and bodies of local self-government, as well as drafters of urban planning documentation (UPD), still have not developed an understanding of the requirements and procedures prescribed by the legislation. Local SEA capacity, therefore, needs to be enhanced by developing sector-specific recommendations and supporting their practical application.

UNECE is cooperating with the Ministry of Environmental Protection and Natural Resources of Ukraine (MEPNR) to develop such recommendations, aimed at furthering SEA implementation in urban planning (*Guidelines on the Strategic Environmental Assessment of Urban Planning Documentation*).



1. INTRODUCTION

1.1. Purpose

The *Guidelines* have been developed to facilitate sustainable development (a) by ensuring environmental protection, safe daily living conditions of the population and healthcare, and (b) by integrating environmental requirements into development and approval of UPD, including preparation and taking into account of SEA reports.

The purpose of the SEA is to ensure that the spatial planning process will maximize positive environmental and health effects of the UPD and mitigate adverse effects.

The *Guidelines* are recommended to be used by the central and local executive authorities, bodies of local self-government, practitioners and academicians involved in consultations, as well as representatives of the public who will participate in the SEA of UPD.

1.2. Terms and definitions

In the *Guidelines*, the terms listed below have the following meanings:

Target group: UPD customers, UPD drafters, the executive authorities that carry out consultations during SEA, bodies of local self-government, drafters of SEA reports, the public and other stakeholders.

General planning scheme of the territory of Ukraine: the UPD that establishes conceptual solutions of planning and use of the territory of Ukraine.

General layout plan of a settlement: the UPD at the local level and the land surveying documentation that establishes principal solutions of development, planning, construction and other use of the territory of the settlement.

The public: one or more natural or legal persons, their associations, organizations or groups registered in the territory covered by the strategic planning document.¹

Comprehensive layout plan of a territory: the UPD at the local level and the land surveying documentation that establishes planning organization and development of the territory.

¹ According to article 19(2) "Effect of International Agreements of Ukraine in the Territory of Ukraine" of Law of Ukraine No. 1906-IV of 29 June 2004 "On International Agreements of Ukraine", "where an international agreement of Ukraine that entered into force according to the established procedure lays down other rules than those laid down in a respective legislative act of Ukraine, then the rules of the international agreement prevail". With due consideration of the above, the term "the public" is used in accordance with article 2 of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context ratified by Law No. 562-VIII of 1 July 2015. It should also be noted that, for the purposes of the Convention on access to information, public participation in decision-making and access to justice in environmental matters ratified by Law No. 832-XIV of 6 July 1999, "the public" means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups.

State planning documents: strategies, plans, planning schemes, UPD, national programmes, State targeted programmes and other programmes and programme documents, including amendments thereto, which are developed and/or are to be approved by the public authority or body of local self-government.

The customer:

- (a) the executive authority or local self-government body that is responsible for drafting State planning documents and carries out general guidance and control over their implementation, or another entity that orders State planning documents as prescribed by the legislation;
- (b) the natural or legal person that intends to develop the territory (one or several land plots) and has submitted the application as prescribed by the legislation.

Integral plan for spatial development of the territory of the territorial community: the UPD at the local level and the land surveying documentation that establishes planning organization, functional purpose of the territory, main principles and directions of formation of the uniform public service system, the road network, the utility and transport infrastructure, the land use planning and management, civil protection of the territory and the population from hazardous natural and human-caused processes, protection of lands and other components of the environment, formation of the ecological network, protection and preservation of cultural heritage and traditional nature of the settlements environment, as well as sequence of implementation of the solutions, including stages of territory development.

Urban planning documentation: the approved text and graphic materials on regulation, planning, development and other use of territories.

Environmental, including health, effects: any effects on flora, fauna, biodiversity, soil, subsoil, climate, air, water, landscape, natural areas and sites, safe daily living conditions of the population and their health, material assets, cultural heritage and the interaction among these factors. They include the effects that result from direct, indirect and/or cumulative impact of the UPD.

Territory zoning plan: the documentation that is an element of the integral plan for spatial development of the territory of the territorial community or the general layout plan of a settlement and establishes the conditions and restrictions for use of the territory within the designated functional zones.

Conservational areas and sites: the areas and sites of the nature reserve fund, their functional and protected zones, territories reserved with future effect, sites and territories of the ecological network, the Emerald Network, water and swamp lands of international significance, biosphere reserves of the UNESCO Man and the Biosphere Programme, UNESCO World Heritage Sites, with their commercial use to be regulated by the laws and regulations of Ukraine.

Territory planning schemes at the regional level: the planning documentation drafted in pursuance of the General Planning Scheme of the Territory of Ukraine, which establishes the principal solutions of development, planning, construction and use of administrative territories and their individual parts.

Functional zone of the territory: the part of the territory of the territorial community that is designated in the integral plan for spatial development of the territory of the territorial community, the general layout plan of the settlement or the territory zoning plan, with the certain set of permitted (prevailing (principal) and related) types of intended use of land plots and with restrictions set in accordance with the legislation for land use in the area of development.

Functional purpose of the territory: the prospective use of the territory for its prevailing function established by the territory zoning plan as a part of the town planning documentation of the corresponding type.

Intended use of the land plot: permitted ways of use of the land plot in accordance with the legal requirements for using lands of the corresponding category and type of the intended use.

The other terms and definitions should be used in accordance with the legislation of Ukraine.

2. DETERMINING THE SCOPE OF A STRATEGIC ENVIRONMENTAL ASSESSMENT

The UPD and draft amendments that provide for carrying out the types of activity (or contain the types of activity and facilities) subject to the EIA procedure in accordance with the legislation or to assessment with account of the likely effects for areas and sites of the nature reserve fund and the ecological network are subject to SEA as prescribed by the Law of Ukraine “On Strategic Environmental Assessment”.

The chapter “Environmental protection”, which is developed as a part of the draft UPD, is concurrently an SEA report to meet the requirements of the Law of Ukraine “On Strategic Environmental Assessment”.

When amendments to the UPD that has already passed the SEA are drafted, or when amendments are minor, a basis for decision-making on the necessity of an SEA shall be the corresponding criteria approved by the MEPNR. If a decision needs to be made to carry out an SEA, the content of the SEA report must meet the requirements of article 11 of the Law of Ukraine “On Strategic Environmental Assessment”.

If the UPD is going to be updated at the local level without amendments, no SEA must be carried out except when the customer has made the decision on SEA to make minor amendments to the State planning document in accordance with the legislation.

The draft historical and architectural basic plan of a settlement shall not be subject to a mandatory SEA.

After an SEA is found to be necessary, the SEA procedure is recommended to be carried out depending on the hierarchical level of the UPD (national, regional or local). This level will then determine which executive authorities should be involved in the consultations. The executive authorities or bodies of local self-government, i.e. the entities ordering UPD, are recommended to determine the scope of studies, environmental assessment methods and how detailed the information to be included into the SEA report should be.

An SEA is required only for the draft UPD implementation which will provide for

- (a) carrying out the types of activity (or which contain the types of activity and facilities) subject to the EIA procedure in accordance with the legislation (art. 3 of the Law of Ukraine “On Environmental Impact Assessment”) or
- (b) which requires assessment, taking into account the likely effects for areas and sites of the nature reserve fund and the ecological network.

In order to establish if implementation of the draft UPD will affect the ecological network, the list of components of structural elements of the ecological network prescribed by article 5 of the Law of Ukraine “On the Ecological Network of Ukraine” must be taken into consideration.

The executive authorities that participate in determining the scope of the SEA as consultees are recommended to give their proposals. However, the ultimate scope of the SEA and future SEA report is determined by the customer taking into account the reasonable adequacy, time limits, nature of the UPD, and financial resources.

According to article 10 of the Law of Ukraine "On Strategic Environmental Assessment", the customer must draw up a statement on determining the scope of the SEA, post it on its official website, and submit it to the Unified Register of Strategic Environmental Assessment (hereinafter Unified Register) in order to receive and consider comments and proposals from the public.

The following information should be provided in the statement on determining the scope of the SEA:

1. Customer
2. Type and main objectives of the UPD, and its connection with other UPDs
3. Extent to which the UPD defines conditions for operations or issue of authorization documents on the types of activities and facilities subject to EIA in accordance with the legislation
4. Likely environmental, including health, effects, and effects for territories with the conservation status
5. Reasonable alternatives to be considered, including in case UPD is not approved
6. Studies that to be conducted, and methods and criteria to be used during SEA
7. Measures to be considered to prevent, reduce and mitigate adverse effects of implementation of UPD
8. Proposals on the structure and content of the SEA report
9. Authority to which comments and proposals are submitted, and time frames for their submission

Customer

The full name and mailing address of the executive authority or local self-government body responsible for drafting the UPD should be specified.

Type and main objectives of the UPD, and its connection with other UPDs

It is recommended to specify here the purpose and main objectives of the draft UPD. The connection of the UPD with other UPDs should also be specified. Other UPDs can include the following:

- Other UPDs
- National and oblast strategies for regional development, and applicable action plans for their implementation
- UPD on social and economic development adopted at the national, oblast, raion and local levels, which apply to the project territory
- Programme documents aimed at facilitating sustainable development by ensuring environmental protection, safe daily living conditions of the population and healthcare, by integrating environmental requirements into territory development management (in this case, details of decisions on approval of such a UPD should be specified).

Extent to which the UPD defines conditions for operations or issue of authorization documents on the types of activities and facilities subject to EIA in accordance with the legislation

Planning solutions for most spatial planning documentation contain proposals on functional zoning of the territory and do not describe specific facilities.

When the SEA scope is determined, it is only possible to draw up the approximate list of the types of activities that are clearly provided for in the context of further implementation of planning solutions of the UPD and require EIA pursuant to article 3 of the Law of Ukraine "On Environmental Impact Assessment" by areas of business activity in a specific functional zone considered in the UPD.

The drafter of the UPD can analyse the EIA Register kept by the MEPNR, determine the facilities and types of activity planned to be carried out in the town planning territories, and establish terms and conditions for the corresponding activity in the territory studied, in accordance with the existing and planned functional zoning.

If the UPD (for instance, the draft comprehensive plan of the specific manufacturing facility) uses data available on the planned types of activity and facilities subject to EIA, information on the location, size, capacity and resource intensity can be provided for such types of activity and facilities.

Likely environmental, including health, effects, and effects for territories with the conservation status

This subsection specifies possible environmental and health effects of implementation of the UPD.

The UPD is focused on achieving social and economic benefits to a large extent, but these benefits and advantages can result in unpredictable environmental and health effects, effects for conservation areas and sites as well as, in certain cases, transboundary environmental, including health, effects. These effects can be either positive or adverse.

Positive effects of implementation of UPD: the changes that improve the environmental or health components or conservation areas or the transboundary environment.

Adverse effects of implementation of UPD: the changes that worsen the environmental or health components or conservation areas or the transboundary environment.

In the first place, the purpose of the SEA procedure is to identify and eliminate likely adverse effects of UPD in order to make sure that implementation of UPD will not result in the deterioration of the environment or health, and should such threats occur, they will be mitigated by developing and taking actions to prevent, reduce and mitigate such adverse effects.

Environmental and health effects of implementation of UPD can vary. Some effects might be insignificant while other effects can be significant for the environment and/or health. The SEA report and measures arising out of it must focus on the most significant effects. That is why it is useful to separate the minor (insignificant effects) from the major (significant effects) during the SEA scoping exercise. It is also useful to clearly establish the absence of likely effects related to the implementation of UPD for the environment, health, conservation areas and (in certain cases) the transboundary environment.

It is recommended that the expected significance of the effects be determined on the basis of the traffic lights system:

- **red** should label likely significant adverse effects and the revision of UPD planning solutions should be considered. If the draft UPD cannot be amended, the SEA report should provide for effective measures to prevent, reduce and mitigate the adverse effects of implementation of the UPD;
- **yellow** should label likely insignificant adverse effects. The SEA report may specify measures to prevent, reduce and mitigate these effects;
- **green** will mean that no adverse effects are expected provided that the existing standards and procedures are met, or that effects will be positive. In this case, no measures to prevent, reduce or mitigate effects need to be proposed.

UPD differs greatly according to the scope of its effects and the territorial area for which it is developed. It can be generally (but not always) expected that UPD of a larger scale will have a wider range of environmental effects in comparison with UPD of a smaller scale.

The information in table 1 can be used to determine the likely effects of UPD regardless of scale. The information in the table is recommended to be adapted to the UPD context.

For example, it can be specified in the table (in the text or the reference attached) that major or minor effects can probably occur either for the specific part of the territory covered by the UPD or for the entire territory. In the same way, the environmental components or specific population groups that can be adversely affected by the UPD can be identified, and other general and more detailed information included.

There can be some uncertainty regarding the significance of possible effects due to the lack of criteria to measure “significance”. The Protocol on Strategic Environmental Assessment ratified by the Verkhovna Rada of Ukraine (No. 562-VIII of 1 July 2015), the criteria to determine significance (relevance) of effects are listed in annex III “Criteria for determining of the likely significant environmental, including health, effects”. Since the Law of Ukraine “On Strategic Environmental Assessment” does not contain such criteria, the level of significance should be determined based on the general approaches described in chapter 3.6 and the above-mentioned annex.

Other categories of likely effects can be used as an option.

This subsection of the Guidelines only applies to new urban planning documents (or other State planning documents). If the existing UPD that has already passed the SEA is going to include minor amendments, according to article 10(7) of the Law of Ukraine “On Strategic Environmental Assessment”, the decision will have to be made whether an SEA of such minor changes to the document is necessary. The basis for such a decision shall be the criteria for determining the environmental and health effects approved by MEPNR order No. 213 of 28 October 2020 registered with the Ministry of Justice of Ukraine on 4 January 2021 under No. 9/35631.

Reasonable alternatives to be considered, including in case UPD is not approved

According to article 12 of the Law of Ukraine “On Strategic Environmental Assessment”, several reasonable alternatives to the draft UPD shall be considered. The following alternatives are recommended:

- Alternative objectives and priorities to be achieved with the UPD
- Alternative activities aimed at achieving the specific objectives or priorities (different development options)
- Alternative terms and conditions for the proposed activity (action options). In this case, alternatives can be based on the same development directions and planning solutions and mostly differ by their spatial element.

Alternatives should be determined so that they will differ from each other and demonstrate differences in likely environmental, including health, effects, and create opportunities for comparative analysis. They do not have to be mutually exclusive and may often supplement each other. The SEA report should pay equal attention to the proposed draft UPD and reasonable alternatives. In any case, the analysis of alternatives must result in the formation of the optimum development scenario, which can combine the benefits of the various alternatives selected.

One of the alternatives must be a “zero alternative”, namely the situation when UPD is not developed or approved. This alternative can be understood as the continuation of current (often adverse) environmental tendencies.

Studies that to be conducted, and methods and criteria to be used during SEA

While carrying out an SEA, it is recommended to apply such analytical methods as collective expert assessment, checklists, tendency analysis, SWOT analysis, targeted analysis, influence matrix, spatial analysis by means of the geoinformation system, and scenario development.

It is recommended to use such public participation methods as notification, consultation, surveying, commenting and discussion. Consultations with the public and authorized bodies are the principal method of carrying out an SEA.

The following principles should be applied during the SEA:

- **Commensurable tasks and methods of SEA.** Specific methods should be selected based on the scale of the UPD being assessed, resources available, and the experience and technical qualifications of the process participants. The resources to be used for an SEA should be commensurable with the value of UPD drafting
- **Integration of UPD development and SEA.** Theoretically, an SEA should be a part of UPD drafting, and be consistent with its logical aspects.
- **Preventive nature.** An SEA should be conducted as early as possible while drafting UPD, when all the alternatives and actions are being considered.

- **Focus on principal matters.** When the list and scope of the information to be used in the SEA are determined, it is recommended to collect and analyse the data that are most relevant and significant for the specific draft UPD. Information should be collected only within the scope and only with the level of detail necessary for reasonable decisions to be made.

A pragmatic approach is recommended. A new study should only be conducted when available data and information are not enough to characterize the likely significant effects of the implementation of UPD or define measures necessary to eliminate any expected significant adverse effects.

In view of the focus of the UPD drafting on land use and zoning, the studies necessary for an SEA should relate to the effects of the implementation of UPD rather than the effects of the construction of specific buildings or facilities that can be proposed after the UPD is approved².

Measures to be considered to prevent, reduce and mitigate adverse effects of implementation of UPD

The SEA should consider actions to prevent, reduce and mitigate adverse environmental effects. It is recommended to consider resource-saving actions, actions to prevent contamination of natural resources, protective actions, actions to reproduce renewable natural resources, security actions (in particular, preservation of areas and sites of the nature reserve fund), adequate waste management actions, sound reduction actions, etc.

The actions to prevent, reduce and mitigate adverse effects for health should be determined in accordance with the requirements of chapter III "State Regulation and Requirements for Sanitary and Epidemic Welfare of the Population" of the Law of Ukraine "On Ensuring Sanitary and Epidemic Welfare of the Population".

Proposals on the structure and content of the SEA report

This subsection should specify the structure and content of the SEA report on the draft UPD in accordance with article 11 of the Law of Ukraine "On Strategic Environmental Assessment". As a part of UPD, the SEA report for draft UPD is the chapter "Environmental protection", which has to meet the requirements of article 11(2) of the Law of Ukraine "On Strategic Environmental Assessment".

Authority to which comments and proposals are submitted, and time frames for their submission

This subsection should specify the authority (UPD customer) to which comments and proposals are submitted (full name and mailing address): including the title, first name, patronymic and last name of the designated official, and the official's contact details.

When the statement on determining the scope of SEA is drawn up, the customer should submit it to the Unified Register and post it on its official website. In rural settlements with limited internet access, it should be placed in at least three public places (for example, on news boards of local self-government offices, social and cultural establishments, designated bus stops, locations designated and equipped by the bodies of local self-government, and in other public areas), in order to obtain and consider proposals and comments from the public.

The time frame for submitting comments and proposals on the statement should be at least ten days from the date of publication.

The period for public discussion of the statement should be established by the customer. It should be at least ten days from the date of publication.

² Effects of construction of specific buildings and facilities will be then considered in accordance with the construction norms and rules as well as by assessing the environmental impact of specific facilities in accordance with the legislation.

Table 1. Likely environmental and health effects (example)

Urban planning area	Description of influencing factors	Biodiversity		Land resources and soil	Climate	Atmospheric air	Water re-sources	Material assets	Cultural heritage	Conser-vational areas	Public health	Trans-boundary effects
		Flora	Fauna									
Housing construction	<ul style="list-style-type: none"> Likely increase in levels of chemical air contamination as a result of more vehicles Likely increase in noise levels as a result of more vehicles Risk of contamination of underground water surfaces due to installation of individual water intake facilities Ground water contamination in cases of excessive application of fertilizers and chemical plant protection products Risks of chemical and mechanical soil contamination if household waste is accumulated at household plots Reduced share of green territories 											
Formation of landscape and recreation areas	<ul style="list-style-type: none"> Possible loss of typical natural plant groups and biotope aquariums 											
Development of industrial territories	<ul style="list-style-type: none"> Likely increase in levels of chemical air contamination by stationary sources Contamination risks in cases of violation of technical regulations of waste recovery production processes Soil contamination risks under the condition of removal of the share of waste that cannot be recovered within the enterprise's plot 											
Development of the street and road infrastructure, and upgrading of the utility infrastructure	<ul style="list-style-type: none"> Soil disruption during construction of capital facilities and utilities, and road and transport construction Likely increase in levels of chemical air contamination as a result of more vehicles Likely increase in noise levels as a result of more vehicles Creation of a noise zone as a result of the railway Water contamination and disruption of coastal biocenosis and biotope during construction of the bridge 											
...	...											

■ Likely significant adverse effects
 ■ Moderate adverse effects
 ■ No adverse effects, or positive effects

3. CONTENTS OF THE SEA REPORT

The SEA report must have the structure prescribed by the Law of Ukraine “On Strategic Environmental Assessment” and contain information at the level of detail obtained as a result of determining the scope of the SEA.

The SEA report is the chapter “Environmental protection” in the draft UPD, and this chapter must meet the requirements of article 11(2) of the Law of Ukraine “On Strategic Environmental Assessment”.

The SEA report should be drawn up so that it will not be a scientific publication or a report on the research and development work. The main conclusions must be clearly worded. Detailed information of a scientific or technical nature should be presented as annexes.

3.1. Contents and main objectives of the UPD, its link with other State planning documents

This section of the SEA should specify the purpose of the draft UPD and its link with the effective UPD.

For instance, it could be to amend the general layout plan of the settlement; to determine functional zoning of the territory with account being taken of the prospects justified with reasonable use of territorial and natural resources, etc. In general, grounds for developing/updating UPD are either the lack of such documentation or the results of urban planning monitoring.

The main objectives of the draft UPD should also be specified. For example:

- Adapt planning solutions of the general layout plan of the settlement to new demographic and social and economic conditions and applicable strategies and programmes
- Change the functional purpose of certain territories
- Develop the system of public service facilities, including healthcare facilities etc. .

The connection of the UPD with other UPDs should also be specified. Other UPDs can include:

- UPD of a superior level
- National and oblast strategies for regional development
- Strategies and programmes for social and economic development adopted at the national, oblast, raion and local levels, which apply to the project territory
- Programme documents aimed at facilitating sustainable development by ensuring environmental protection, safe daily living conditions of the population and healthcare, by integrating environmental requirements into territory development management.

3.2. Description of the current state of the environment, including public health, and forecast changes in this state if the UPD is not adopted

Analysis of the current environment for the territory for which the UPD is drafted provides for a number of actions to collect the data and analyse the information of most significance in the context of the specific SEA. Analysis of the environment can be based on quantitative and qualitative information subject to the nature of the UPD, available data, methods and tools used to analyse input conditions.

Moreover, the central executive authorities that implement the State environmental protection and healthcare policy as well as oblast, Kyiv and Sevastopol city State administrations (designated units responsible for environmental protection and healthcare), the executive authorities of the Autonomous Republic of Crimea responsible for environmental protection and the executive authority responsible for healthcare should ensure that the following information is provided for the purposes of qualitative analysis of the project territory and the SEA procedure in general:

- Information on the environment upon the customer's request
- Information on public health upon the customer's request
- Information on the environmental and healthcare UPD in effect in the project territory.

Sources of information on the environment and public health

Sources of information may be:

- National reports on the environment in Ukraine
- Regional reports on the environment
- Environmental passports of regions
- Annual reports on public health in Ukraine and the epidemic situation at the national level as well as regular reports on public health, the epidemic situation and daily living indicators in the region
- National reports on quality of drinking water and drinking water supply in Ukraine.

Data

Sources of data may be:

- State Statistics Service of Ukraine and regional statistics departments
- State Agency of Water Resources of Ukraine and its territorial bodies
- State Service of Ukraine for Geodesy, Cartography and Cadastre and its territorial bodies
- State Forest Resources Agency of Ukraine and its territorial bodies
- Public health monitoring conducted for research and development and other purposes
- Other public authorities, such as healthcare authorities
- Civil society organizations, scientific and other specialized institutions and organizations
- Urban planning monitoring.

Sources of data and information may also be:

- Urban planning cadastres of different levels (State, regional and local ones);
- Cadastres of natural resources:
 - State Land Cadastre
 - State Water Cadastre
 - State Cadastre of Mineral Deposits and Manifestations
 - State Forest Cadastre
 - State Cadastre for Animal Wildlife
 - State Plant Cadastre

- State Cadastre of Areas and Sites of the Nature Reserve Fund
 - State Cadastre of Natural Territories of Resources of Ukraine.
- Geoportals, including the following:
 - Ukrainian geodata portal
 - National infrastructure of geospatial data
 - Public cadastre map of Ukraine.
- Data of the Medical Statistics Centre of the Ministry of Health of Ukraine
- Data of the Healthcare Departments of the oblast State administrations and administrations of territorial communities
- Registers, automated data bases, archives as well as information prepared by the competent public authorities, bodies of local self-government, civil society organizations, as well as scientific institutions, specialized expert organizations, and individual officials.

The data collected should be as relevant and significant as possible for the specific territory for which the UPD is drafted. The practitioners who carry out SEA should collect information only within the scope necessary to determine environmental and health effects.

A plan and specific aspects of information collection and detail need to be drawn up. Defects in analysis of the existing situation and tendencies often occur due to unclear targets of the analysis and focus on the matters that are not related to UPD rather than due to lack of data.

If an SEA is carried out for the draft amendments to the UPD that has already passed SEA, the main provisions of the corresponding SEA report should be studied and taken into account.

The SEA must assess likely environmental, including health, effects of the implementation of the draft State planning document, namely for the following:

- Atmospheric air
- Water resources and their use
- Climate, manifestations of climate change in a specific territory
- Land resources and soil (including in terms of subsoil use and waste management)
- Biodiversity, including conservation areas and sites
- Safe daily living conditions of the population and their health
- Historical and cultural heritage sites.

Effects of implementation of UPD that can provoke manifestations of climate change in a specific territory should be considered separately.

The subsection "Atmospheric air" for the territory for which UPD is drafted is recommended to include information on volumes of emissions of contaminants into the atmospheric air from stationary and mobile sources; on the main substances that contaminate atmospheric air (Resolution of the Cabinet of Ministers of Ukraine No. 1598 of 29.11.2001 "On Approving the List of the Most Common and Hazardous Contaminants with Regulated Emissions into Atmospheric Air"); on main atmospheric air contaminants by types of economic activity (pursuant to the available statistical information); on available atmospheric air observation posts; on average yearly, monthly and daily concentrations of main contaminants in the atmospheric air.

The subsection "Climate change" for the territory for which UPD is drafted is recommended to include information on volumes of greenhouse gas emissions into the atmospheric air and sources of greenhouse gas emissions (such information is mostly available for regions and certain large cities); on climate conditions in the territory for which UPD is drafted (temperature characteristics; precipitation; repetition of adverse weather conditions such as fog, storm, hail, hurricane, drought, etc.). The adverse effects that increase climate impact, namely increase emissions and reduce absorption of greenhouse gases, as well as positive effects, such as decrease in emissions and increase in absorption of greenhouse gases, should also be described.

It is also recommended to include specialized climate data: climate characteristics used for the needs of a specific industry or type of activity. An example of such information is medical and climate data on the impact of climate

in a specific territory upon human health; this information is also one of the factors that influence the creation of recreation resources in the territory. Such indicators include:

- Repetition of comfortable weather conditions in the warm season
- Quantity of days with overheating discomfort
- Repetition of stifling weather in the warm season
- Quantity of days with freezing discomfort
- Winter severity (Bodman's index)
- Repetition of inter-day changes in temperature by more than 6°C a day within a year
- Repetition of inter-day changes in atmospheric pressure by more than 5 hPa a day within a year.

In the subsection on water resources and their use for the territory for which UPD is drafted it is recommended to include the following information:

- Water sources
- Quality of water from surface and underground sources
- Quality of drinking water
- Main water use
- Water use volumes
- Waste water discharge volumes
- Waste water disposal volumes
- Availability of treatment facilities
- Bodies of surface water and bodies of ground water
- Wetlands
- Coastal protective strips
- Water protection zones
- Sanitary protection zones of water supply facilities.

While drafting this subsection, it is also recommended to analyse compliance with the water protection restriction around and along water bodies as prescribed by the Water and Land Codes of Ukraine.

The main sources of data on the condition of water bodies are materials from the principal State water monitoring entities: the MEPNR, the State Agency of Water Resources, the Ukrainian Geological Survey, and the State Emergency Service (and their institutions and territorial bodies), which contain consolidated primary information (observation data) – time- and area-specific data; assessment of the environmental and chemical condition of surface water masses, data on the environmental potential of artificial or materially altered surface water masses, the environmental condition of sea waters and sources of adverse impacts; forecast condition of waters and changes in it; scientifically justified recommendations necessary for management decision-making in the area of water use and protection and water resource reproduction.

In the subsection “Land resources and soils” for the territory for which UPD is drafted, it is recommended to include information on soil surface, soil fertility, soil contamination, land fund structure, and plots in need of reclamation and improvement.

In the subsection “Biodiversity and conservation areas” for the territory for which UPD is drafted, it is recommended to include information on the conservation areas and sites, their functional and protected zones, territories reserved for future nature protected areas, sites of the ecological network, territories of the Emerald Network, wetlands of international importance, biosphere reserves of the UNESCO Man and the Biosphere Programme, UNESCO World Heritage Sites, forest covered areas, and public planted lands (parks, public gardens, boulevards).

Modern landscapes in combination with their natural characteristics, in the first place, geomorphological ones, are shown by combining different types of land use. The sources of data to determine the land use structure is land survey materials, remote Earth sounding data (open geodata: Landsat, Sentinel), and results of their decryption.

The important aspect of modern landscapes is cultural heritage. Data on existence and location of cultural and historical heritage sites should be collected, including information on archaeological and historical landmarks, architectural sites and famous buildings, garden and park art landmarks, unique and special natural sites, such as geological, geomorphological, botanical and other ones, and territories of the nature reserve fund.

In the subsection “Waste management” for the territory for which UPD is drafted, it is recommended to include information on volumes of generation, disposal and accumulation of industrial and household waste; on principal generators of waste; on the waste management system.

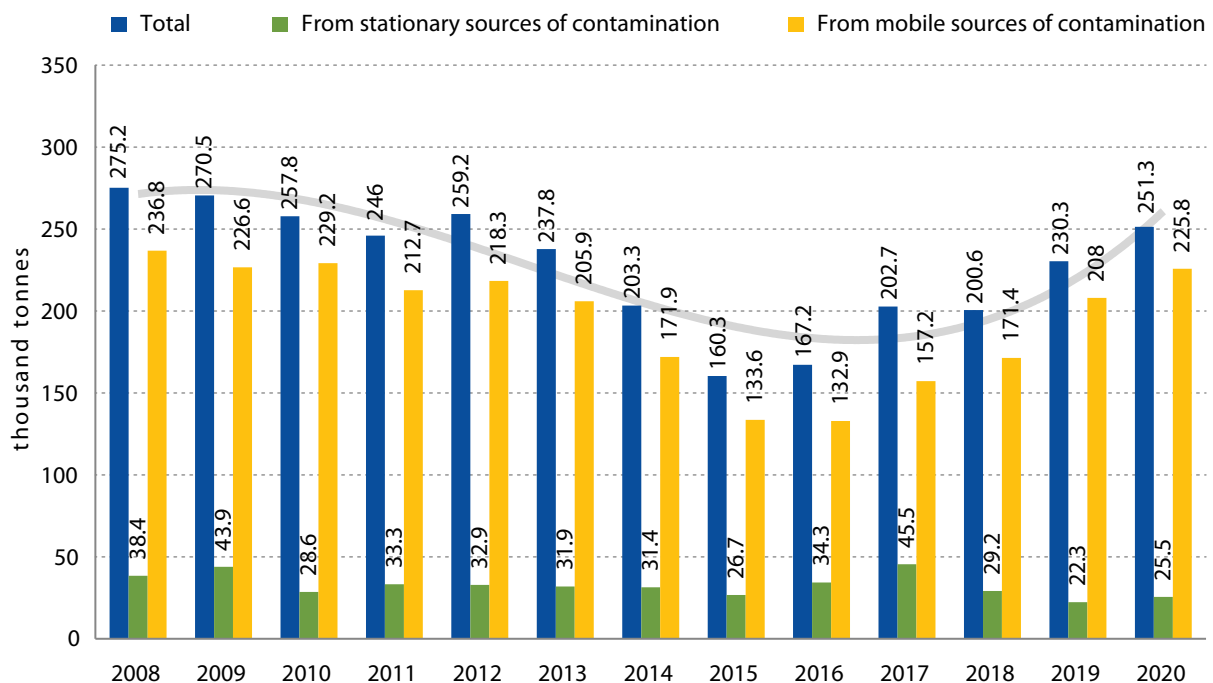
In the subsection “Subsoil” for the territory for which UPD is drafted, it is recommended to include information on mineral deposits, territories of development of exogenous geological processes (water logging, erosion, mudflows, landslides etc.).

Also, information on safe daily living conditions, cultural heritage sites and public health in the territory for which UPD is drafted, namely on the disease incidence structure, disease prevalence rate, death rate and causes of death, COVID-19 morbidity rate should be provided.

In order to determine forecast environmental changes in case UPD is not introduced, it is recommended (where possible) to analyse tendencies in environmental changes for the previous five to ten years. Analysis of tendencies in environmental changes is an important element of SEA as it defines the likely course of development of these tendencies if UPD is not implemented.

Tendencies of changes in the key environment components are recommended to be presented in the graphic form, which will help visualize change tendencies (see figure). SEA experts need to assess future tendencies with account of tendencies of past years (what has happened) and key factors that have influenced formation of these tendencies (why it has happened).

Dynamics of emissions of pollutants into the atmospheric air in Kyiv in 2008–2020 (example)



3.3. Description of the environment, daily living conditions of the population and its health in the territories likely to be affected

This subsection should specify territories of prospective urban planning development and other use, which are likely to be affected by development or changes in their functional purpose.

In particular, the SEA report shall include information on the specific project territory rather than only the environment in the corresponding region or district in general.

Where there is no information available, it should be noted alongside with description of the SEA method, including any complications (insufficient information and technical means during such assessment).

Table 2. Description of the territories likely to be affected by the change in their functional purpose pursuant to the project solutions of the UPD (example)

Number and functional purpose of the territory	Planned change in the purpose of the territory	Location	Area, hectare
1. Forested territory	Residential construction	Eastern part of the city	2.0
2. Territory used for agricultural purposes	Recreation, sport and tourism area	Western part of the city	190.0
3.

Then it is recommended to furnish a general description of the environment, daily living conditions of the population and their health in the territories that may be affected, in particular, territories such as the following:

- Territories affected by emissions of contaminants from stationary contamination sources
- Territories affected by emissions of contaminants from mobile contamination sources
- Territories of water bodies (coastal protective strips of rivers, seas, other water bodies and water facilities etc., water protection zones)
- Territories used for landfills, waste dumps, gob piles etc., as well as for water supply and waste water disposal facilities
- Territories of facilities of the nature reserve fund, as well as conservational, cultural, therapeutic and recreational ones
- Territories of development of exogenous geological processes (e.g. water logging, erosion, mudflows, landslides)
- Territories affected by economic activity (e.g. sanitary protective zones of manufacturing and communal and warehousing enterprises, mineral deposits, agricultural lands of special value).

3.4. Environmental issues, including risks of public health impact, relevant to the UPD, in particular regarding territories with conservation status

This subsection should describe territorial aspects of environmental issues, including risks of public health impact. The environmental issues and risks paid special attention in assessment of project solutions are recommended to be presented as a table with UPD connection (see table 3).

Table 3. Description of the principal environmental issues and risks of public health impact (example)

Principal environmental issues and risks	Description of issues and risks	Territorial connection	Project solutions of UPD
Atmospheric air contamination	Increase in emissions of contaminants by mobile sources	Streets and sites for manufacturing use	Development of the street and road network; modernization of existing thermal energy supply facilities
Contamination of surface water bodies	Surface discharges without treatment	Residential territory	Development of the storm water drainage system
Biodiversity impact	Reduction of green spaces	Local sites within the residential area	Planting, formation of green spaces
Public health impact	Atmospheric air contamination, mostly by emissions of contaminants from motor vehicles	Territories of the settlements adjacent to main roads	Construction of the by-pass motor road and junctions to reduce transit traffic

It is also recommended to describe the environmental issues and risks of public health impact in more detail by specifying the main factors of adverse environmental and public health impact.

3.5. Environmental protection commitments, including those related to prevention of adverse public health impact, relevant to the UPD and the ways to take into account such commitments during its preparation

This subsection should specify which legal and normative acts, strategies, plans and programmes of the international, national and regional level establish commitments in the field of environmental protection, including public health, in connection with the urban planning documentation being assessed.

In particular, the environmental protection and public health commitments at national level are established by the laws of Ukraine, resolutions of the Cabinet of Ministers of Ukraine, the Decree of the President of Ukraine "On Sustainable Development Goals of Ukraine until 2030", and other legal and normative acts (see annex 1).

The national sustainable development goals, the targets to monitor performance of tasks and achievement of the goals until 2030 are established by the National Report "Sustainable Development Goals: Ukraine", which was prepared by the Ministry of Economic Development and Trade of Ukraine in 2017.

It is recommended to determine the level of conformity of the goals of the draft urban planning document to the environmental goals of the national and regional policies (see table 4 as an example).

Table 4. Conformity of the draft UPD to the environmental goals of the national policy (example)

Document	Key environmental goals	Goals of the draft UPD being considered	Conformity level ³
ATMOSPHERIC AIR			
International level			
“Transforming our World: 2030 Agenda for Sustainable Development” (United Nations General Assembly Resolution of 25 Sept. 2015)	<ul style="list-style-type: none"> Target 11.6. By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management 	<ul style="list-style-type: none"> Territorial optimization of manufacturing and communal territories, and formation of sanitary protective zones in order to reduce the air contamination level of the adjacent territories Reservation of sites to create alternative energy facilities 	+
National level			
Law of Ukraine “On Basic Principles (Strategy) of Public Environmental Policy of Ukraine for the Period until 2030”	<ul style="list-style-type: none"> Emissions of contaminants into the atmospheric air by stationary sources will be reduced from 100% in 2015 down to 85% in 2030 	<ul style="list-style-type: none"> Optimization of heating systems, increased energy efficiency ratio, saving of primary energy resources by applying modern heating plants 	+
Regional level			
Environmental policy of Mykolaiv approved by Resolution of the City Council No. 12/19 of 23 Dec. 2011	<ul style="list-style-type: none"> Construction of the bridge across the Southern Buh in order to reduce the transit traffic in the city Development of new road junctions 	<ul style="list-style-type: none"> Construction of the southern bridge crossing Formation of the by-pass motor road and junctions to reduce transit traffic in the city 	+
CLIMATE CHANGE			
National level			
Concept of Implementation of the Public Climate Change Policy until 2030 approved by Ordinance of the Cabinet of Ministers of Ukraine No. 932 of 7 Dec. 2016	<ul style="list-style-type: none"> Reduction of anthropogenic emissions and increased absorption of greenhouse gases as well as gradual transition to low-carbon development of the State 	<ul style="list-style-type: none"> Decontamination of the household waste landfill Development of the Action Plan for Sustainable Energy Development 	+
WATER RESOURCES			
National level			
Concept of Implementation of the Public Policy for Industrial Contamination approved by Ordinance of the Cabinet of Ministers of Ukraine No. 402 of 22 May 2019	<ul style="list-style-type: none"> Decrease in contaminated waste water discharges into water bodies in 2030 down to 5% of the total discharges volume against 15.7% in 2015 	<ul style="list-style-type: none"> Development of structures and networks of the utility urban infrastructure to meet the needs of residential, industrial and recreational areas 	+/-

³ (+) full conformity, (+/-) partial conformity, (-) non-conformity.

Document	Key environmental goals	Goals of the draft UPD being considered	Conformity level ³
LAND RESOURCES			
National level			
Law of Ukraine "On Land Protection"	<ul style="list-style-type: none"> Reasonable use of lands, reproduction of and increase in fertility of soil, other good properties of land, preservation of environmental functions of soil surface, and environmental protection 	<ul style="list-style-type: none"> Creation of landscape and recreational areas for short-term rest, and reservation of sites for recreational and tourism facilities in flood plain territories 	+/-
WASTE			
International level			
"Transforming our World: 2030 Agenda for Sustainable Development" (United Nations General Assembly Resolution of 25 Sept. 2015)	<ul style="list-style-type: none"> Target 11.5. By 2030, reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management 	<ul style="list-style-type: none"> Determination of strategic directions of sanitary treatment of territories with account of prospective household waste generation volumes 	+/-
National level			
National Strategy for Waste Management in Ukraine until 2030 approved by Ordinance of the Cabinet of Ministers of Ukraine No. 820 of 8 Nov. 2017	<ul style="list-style-type: none"> Creation of 800 new capacities for recycling of secondary raw materials, disposal and composting of biowaste by 2030 Reduced total volume of household waste burial from 95% down to 30% 	<ul style="list-style-type: none"> Determination of strategic directions of sanitary treatment of territories with account of prospective household waste generation volumes 	+/-
Regional level			
Comprehensive Environmental Protection Programme of Mykolaiv Oblast for 2018-2020 approved by Resolution of the Mykolaiv Oblast Council No. 22 of 21 Dec. 2017	<ul style="list-style-type: none"> Environmentally safe waste management, including pesticides 	<ul style="list-style-type: none"> Determination of strategic directions of sanitary treatment of territories with account of prospective household waste generation volumes 	+/-
BIODIVERSITY			
International level			
Bern Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) (Chap. 2, art. 4)	<ol style="list-style-type: none"> Each Contracting Party must take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in the appendices I and II and the conservation of endangered natural habitats. The Contracting Parties in their planning and development policies must have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimize as far as possible any deterioration of such areas. 	<ul style="list-style-type: none"> The UPD contains no information on the natural habitats included into the Emerald Network of Ukraine in the territory covered by the UPD. 	-

Document	Key environmental goals	Goals of the draft UPD being considered	Conformity level ³
National level			
Law of Ukraine “On Basic Principles (Strategy) of Public Environmental Policy of Ukraine for the Period until 2030”	<ul style="list-style-type: none"> Share of lands of the nature reserve fund in the total territory of the country: 2015 – 6.3%, 2030 – 15% 	<ul style="list-style-type: none"> Formation of landscape and recreation areas, including by means of existing water bodies and reservation of territories to create sites of the nature reserve fund 	+/-
Regional level			
Programme for Environmental Protection and Reasonable Use of Natural Resources of Kyiv Oblast for 2017-2018 approved by Resolution of the Kyiv Oblast Council No. 299-14-VII of 19 May 2017	<ul style="list-style-type: none"> Creation of new and expansion of existing areas and sites of the nature reserve fund 	<ul style="list-style-type: none"> Formation of landscape and recreation areas, including by means of existing water bodies and reservation of territories to create sites of the nature reserve fund 	+/-
PUBLIC HEALTH			
National level			
National Report “Sustainable Development Goals: Ukraine” (2017)	<ul style="list-style-type: none"> Number of deaths as a result of transport accidents: 2015 – 12.6 per 100,000 population, 2030 – 10-9 	<ul style="list-style-type: none"> Provision of modern diagnostic and treatment equipment and sanitary motor vehicles to healthcare institutions 	+/-

This list is not exhaustive (see annex 2).

This subsection is also recommended to describe how the environmental protection commitments established at the international level are taken into consideration.

The principal areas of cooperation with the international organizations a member of which Ukraine is include protection of biological diversity; protection of transboundary water flows and international lakes; climate change; ozone layer protection; atmospheric air protection; waste management; EIA.

For instance, the Carpathian Convention should be considered at the international level in the context of protection of the Carpathians. For a river basin, the Water Framework Directive should be applied. The Bern Convention should be used for the territory of the Emerald Network. In particular, within the framework of the Bern Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), Ukraine has undertaken to establish the Emerald Network, which is a network of conservation areas of European importance. The modern scheme of the Emerald Network of Ukraine was approved in 2019 at the meeting of the Permanent Committee of the Bern Convention. Where there are any areas from the Emerald Network in the territory, the draft UPD must consider Ukraine’s commitments under that Convention.

3.6. Description of environmental, including health, effects

Effects of the implementation of the UPD can be secondary, cumulative or synergistic. Likely material aspects of the effects of facilities and the UPD in general upon all the protected components should be assessed separately for each component. Cumulative and synergistic effects must be considered and assessed as regards impact of all the UPD facilities upon individual components of the environment.

The time frames within which effects may occur are also of significance for environmental and health impact thereof. The effects should be considered based on whether they are short, medium or long-term ones (1 year, 3 to 5 years, and 10 to 15 years respectively). Some effects can be permanent while others can be temporary. Effects can be positive or adverse.

Pursuant to the statement on determining the scope of SEA, assessment of environmental and health effects should be focused on the effects related to the proposed changes in the functional purpose of territories and main project solutions under the UPD. Effects should be assessed for the specific territories concerned.

The assessment findings should be presented as a matrix, which will contain an assessment of the effects for key environmental components for each territory (area) that might be affected (see table 5). The expected impact of each activity should be determined for each environmental component specified in article 1 of the Law of Ukraine "On Strategic Environmental Assessment". The "influencing factors" related to each activity should also be determined.

Table 5. Consolidated findings of the town planning documentation assessment procedure (example)

Territory	Atmospheric air	Climate	Water	Soil	Conservational areas	Biodiversity	Health
Territory 1	D / LT R / TrB	Id / LT R / TrB	D / MT L	D / ST L	D / ST L	D / ST L	Id / MT L
Territory 2	?	?	0	D / MT L / C	D / MT L	0	Id / MT L
Territory 3	D / MT L	Id / MT L	D / MT L	0	0	Id / MT L / C	Id / MT L

Key	Description
-2	Significant adverse effect. Significant adverse effect should be minimized through mitigation measures to make it insignificant
-1	Moderate adverse effect (this effect is admissible)
0	No effect
+1	Moderate positive effect
+2	Major positive effect
(?)	Significance of effect cannot be assessed with certainty due to lack of data on environmental components, planned activities or for other reasons
D/Id	Direct/Indirect
LT / MT / ST	Long-term (10-15 years) / Mid-term (3-5 years) / Short-term (1 year)
L / R	Local / Regional
C / S / TrB	Cumulative / Synergistic / Transboundary

There can be some uncertainty regarding the significance of possible effects due to lack of criteria to measure it. The level of significance associated with possible effects should be understood with account taken of the following⁴:

A. Likely significant adverse effects of UPD implementation :

- violation of the environmental or healthcare standard or other environmental or healthcare requirement of a legal/normative nature unless mitigation actions are taken
- failure to comply with the goals of the public environmental policy, programmes or plans or the public healthcare policy, programmes or plans in general

⁴ This matter is also considered in the following documents:

- Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kyiv, 2003), annex 3 (https://zakon.rada.gov.ua/laws/show/995_b99#Text)
- Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment, ISSN 1020-4563, UNECE (<https://unece.org/environment-policy/publications/resource-manual-support-application-sea-protocol>), pp. 55-57, and annex III.

- loss of one or several elements of the ecosystem, which will threaten the species that permanently or periodically (for instance, by migrating) stays in the territory covered by the UPD unless mitigation actions are taken
- prejudice to the quality or quantity of natural or cultural resources, which will result in health impact in the territory covered by the UPD or outside, or of prejudice to the existing infrastructure (including the infrastructure of cultural heritage) unless mitigation actions are taken
- other effects that, in the opinion of the public or executive authorities (for instance, as a result of consultations) will significantly affect the environment, public health, the social environment or cultural heritage⁵.

Assessing the consequences of UPD implementation against the respective legal requirements will help find out whether UPD implementation can cause violation of an environmental or healthcare standard or some other legal requirement.

Similarly, finding out whether UPD implementation may fail to comply with the objectives of state policies, programmes or plans will require an assessment of the consequences of UPD implementation vis-à-vis the goals of a respective policy, programme or plan.

According to EU practices, the following characteristics of effects should be considered⁶:

- probability, duration, frequency and reversibility
- cumulative nature
- transboundary nature
- risks to human health or the environment (e.g. due to accidents)
- magnitude and spatial extent (geographical area and size of the population likely to be affected)
- value and vulnerability of the area likely to be affected due to special natural characteristics or cultural heritage, or intensive land-use
- effects on areas or landscapes which have a recognized international, national or local protection status.

B. Significant adverse effects and measures for adjusting the UPD

Adjustment measures to prevent and/or mitigate such effects down to the tolerable level will be considered in the SEA report. It is therefore necessary to determine the cause of significant effects as accurately as possible in order to assess the effects with maximum precision and to determine applicable measures in the SEA report.

C. Likely adverse effects considered to be insignificant are the likely adverse effects that do not meet the criteria of “significance” specified in A.

D. The conclusion of “likely lack of adverse effects, or positive effects”

This conclusion will be made for all the possible effects of the implementation of the UPD, provided that there are no grounds to establish likely effects in accordance with A and B above.

The determination and assessment of likely effects must focus on large-scale effects connected with land zoning and use rather than on specific buildings and construction activities.

A detailed description of environmental effects and explanatory comments on the key territories should be presented as a matrix (see table 6). Since many territories can be affected, description tables should be included in an annex to the SEA report.

5 Where there are effects considered to be major by the public, the customer can make the conclusion that the statement on major effects is unsubstantiated or unreasonable, so it will not consider these effects in the SEA report. In this case, the customer must demonstrate that the effects considered to be major by the public are in fact unjustified or unreasonable (for instance, the effects considered to be major by the public might not be related to the UPD or might be based on unreliable information).

6 See Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, annex II (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042>)

Table 6. Environmental effects: an example for the territory “Creation of the Hydropark”, current condition of the water body instead of the former open pit, northern suburbs of the city

Environmental component	Impact assessment	Impact description
Air	0, +1	More green spaces
Water	+1	Better hydrological condition of water bodies after the hydrotechnical actions are taken
Soil	+1	Improvement of banks, reconstruction of the natural plant layer
Biodiversity	+1	More green spaces
Economic and social environment	+2	Enhanced comfort of the environment, accessibility of leisure facilities, social connections of citizens, better public health

The territories with similar characteristics in their current condition and proposed changes should be grouped. Such territory groups should have consolidated detailed descriptions of environmental effects. For this purpose, each key environmental component (atmospheric air, water, soil, biodiversity, as well as public health) should have a general description of effects, containing all likely adverse and positive effects.

In order to assess climate impacts of the UPD, it is recommended to use table 7.

Table 7. Signs of climate impact as a result of the implementation of the UPD

Focus area	Climate impact	Signs
Mitigated climate change effects	Reduced total annual adverse climate impact	<ul style="list-style-type: none"> • Reduced energy, resource and water use • Increased territory of forests, meadows, water and swamp lands • More public transport used in comparison with personal one • Optimized transport network and distribution expenses and placement of resources • Reduced use of fossil fuels, or no use at all • Increased use of renewable energy sources • Transition to low-carbon technologies.
	Increased total annual adverse climate impact	<ul style="list-style-type: none"> • Increased energy, resource and water use • Decreased territory of forests, meadows, water and swamp lands • More personal transport used • Increased use of fossil fuels • Increased non-efficient losses
	Non-recurring greenhouse gas emissions	<ul style="list-style-type: none"> • Major consumption of material and energy resources • Large-scale land works
Climate change adaptation	Facilitation of an increase in the total climate change adaptation potential of the territory	<ul style="list-style-type: none"> • Energy independence, energy efficiency, preservation of water and materials • Reduced costs and transport needs • Transition to efficient technologies with account of climate change • Creation of comfort zones (shadow, water, controlled temperature and humidity) • Preparation for natural and human-caused emergencies (including reserves and back-up sources) • Prevalence of local resources • Increased territory of forests, meadows, and water and swamp lands
	Decrease in the total climate change adaptation potential of the region	<ul style="list-style-type: none"> • Increased need of all types of resources and energy, water in the first place • Increased non-productive losses • Decreased critical reserves and back-up sources • Out-of-date information for critical decision-making

The Recommendations on Including Climate Issues into State Planning Documents are advised to be used to assess climate impact of UPD implementation.

3.7. Measures to be taken to prevent, reduce and mitigate adverse effects of implementation of the State planning document

Based on findings of analysis of the likely effects, this subsection must specify measures to be taken to prevent, reduce and mitigate adverse effects of implementation of UPD. Moreover, it is recommended to take measures to prevent, reduce and mitigate adverse environmental effects as prescribed by the legislation (see annex 2).

In general, there can be a wide range of approaches to mitigating effects, including the following:

- choosing another option (for instance, replacing a motor road with railway)
- amending the UPD in general (choosing another principal approach)
- amending specific proposals in the UPD
- including new clauses into the UPD
- technical measures taken at the implementation stage (for instance, creation of buffer zones, application of certain project solutions)
- identifying the matters and issues to be considered during EIA of specific projects under the UPD etc.

The measures to be taken to prevent, reduce and mitigate adverse effects of implementation of UPD should be presented as a table (table 8).

Such table is recommended to be drawn up for the actions to be taken to prevent, reduce or mitigate cumulative effects.

Table 8. Measures to be taken to prevent, reduce and mitigate adverse effects of implementation of the UPD (example)

Environmental components, including public health	Measures
Atmospheric air	<ul style="list-style-type: none"> • Expansion of green areas along streets in order to reduce dust contamination
Water resources	<ul style="list-style-type: none"> • Maintenance of the special regime of use of coastal protective strips in accordance with the legislation in effect
Land resources	<ul style="list-style-type: none"> • Anti-erosion activities
Waste	<ul style="list-style-type: none"> • Disposal of unauthorized rubbish dumps followed by reclamation and recovery of disturbed lands • Development of the plan for sanitary treatment of a settlement
Biodiversity	<ul style="list-style-type: none"> • Creation of new green areas, parks and public gardens to preserve flora and fauna
Public health	<ul style="list-style-type: none"> • Facilitation of introduction of renewable energy, namely renewable energy sources in transport

This subsection is also recommended to include all the proposals on how to prevent, reduce and mitigate adverse effects of UPD implementation that can emerge during SEA and as a result of consultations with the public and designated authorities.

3.8. Substantiation of the selection of the reasonable alternatives considered, description of the method for strategic environmental assessment, including any complications

3.8.1. Substantiation of the selection of the reasonable alternatives considered

The summary of the alternatives considered is recommended to be presented as a table (see table 9) based on the alternatives already specified in the statement on determining the scope of SEA.

This subsection is recommended to describe the alternatives in more detail and to present specific alternative proposals on revision of certain project solutions within the UPD to be taken into consideration.

Table 9. Alternatives considered, and justification for the selected alternative (example)

#	Alternative	Key elements of the alternative	Key advantages and disadvantages	Alternative selected, and its justification
1.	Zero alternative	<ul style="list-style-type: none"> Existing situation continued 	<p>Advantages</p> <ul style="list-style-type: none"> The existing social and economic structure of the city is not disrupted <p>Disadvantages</p> <ul style="list-style-type: none"> Insufficient quantity of housing for the current and forecast size of population Lack of employment opportunities 	<p>Alternative 3 is recommended as it will help reduce environmental and health impact.</p> <p>In particular, it will facilitate:</p> <ul style="list-style-type: none"> mitigation of agricultural land losses traffic optimization preservation of green areas
2.	Alternative considered in the draft UPD	<ul style="list-style-type: none"> New housing construction Creation of new investment and employment opportunities Changes in the transport system to ensure sufficient transport for new housing and industrial construction 	<p>Advantages</p> <ul style="list-style-type: none"> Provision of housing sufficient for city needs until 2030 Creation of new jobs Enhanced traffic <p>Disadvantages</p> <ul style="list-style-type: none"> Disruption of the existing social/ economic activity during construction Loss of agricultural lands as a result of housing and industrial construction More household waste 	
3.	Alternative proposed in the SEA report	<ul style="list-style-type: none"> Similar to alternative 2 in many project solutions, but provides for different location of facilities to be constructed 	<p>Advantages (in addition to alternative 2)</p> <ul style="list-style-type: none"> Mitigation of agricultural land losses Traffic optimization Preservation of green areas <p>Disadvantages (in addition to alternative 2)</p> <ul style="list-style-type: none"> Need for additional funds to be allocated to modify the draft UPD in order to reduce environmental impact 	

The public can also determine alternative options to the UPD that have not been provided for by the drafters. These options can be recorded as an alternative to the selected UPD option. One of these alternatives might be considered to be most suitable in terms of reduced environmental and health impact.

3.8.2. Complications arising during the SEA

This subsection must specify the complications arising during the SEA.

They could be:

- lack (or insufficiency) of official statistical data on the environment and public health at the level of settlements and territorial communities
- insufficient level of assistance from oblast environmental protection and healthcare authorities in provision of input data for SEA
- lack (or insufficiency) of data on UPD implementation as well as existing problems and causes of failure to perform as scheduled.

This subsection is also recommended to specify which positive environmental and health effects SEA has.

3.9. Measures to be taken to monitor environmental, including health, effects of the implementation of the UPD

Monitoring is carried out to identify environmental, including health, effects of UPD implementation, to ensure that actions to prevent, reduce and mitigate adverse effects of the implementation are taken, and, if adverse effects not provided for by the SEA report are identified, to take action to eliminate them.

Monitoring plays a significant role in ensuring implementation of the UPD with the minimum environmental damage.

The SEA report includes actions to monitor environmental, including health, effects of UPD implementation.

Monitoring may be used in order to:

- compare the forecast and actual effects of UPD implementation⁷ conservation
- control SEA quality
- check compliance with environmental instructions of corresponding authorities
- assess implementation of the environmental policy at the local level
- check whether UPD is implemented in accordance with the designated effects reduction or mitigation actions.

Monitoring of SEA findings and related reporting processes should be integrated into the general UPD implementation monitoring process and connected with the periodic revision of the UPD.

Environmental, including health, effects of the implementation of the UPD can be detected as a result of monitoring.

According to Clause 5 of the Procedure for Monitoring Environmental, Including Health, Effects of Implementation of the State Planning Document approved by Resolution of the Cabinet of Ministers of Ukraine No. 1272 of 16 December 2020, the customer must decide on the following:

- Content of the actions to be taken for the purposes of monitoring, and time frames for such actions
- Quantitative and qualitative indicators, associated units of measure and target values vis-à-vis each effect of the draft UPD implementation specified in the SEA report

⁷ This could include, for instance, the forecast and actual indicators of environmental changes, the quality and provision of natural resources at the local level (water, forest resources, water bioresources, green infrastructure etc.) as well as indicators of implementation of the environmental policy at the local or regional level, implementation of the activities that belong to environmental protection activities, benefits or adverse changes in public health protection from contamination, noise, climate change effects, provision of conservation and nature-focused recreation territories to satisfy recreational, educational and other nature-related cultural needs of the population, and the creation of a natural environment safe for health and life.

- Quantitative and qualitative indicators, associated units of measure and target values for prevention, reduction and mitigation of adverse effects of the draft UPD implementation
- Methods for determining each of the indicators that enable prompt measurement, with no excessive costs
- Frequency of measuring, analysis and comparison of the indicators with their targets
- Means and ways to establish whether there are environmental, including health, effects with account taken of the possibility of detection of adverse effects of the draft UPD that are not provided for by the SEA report.

The following monitoring rules should be used when monitoring is planned:

- The existing organizational and material resources, including (if any) the local environmental monitoring infrastructure, should be used to the maximum extent possible, and the indicators that have been already monitored should be integrated into the monitoring (monitoring of the condition of certain facilities, monitoring of implementation of certain programmes, plans and activities).
- New indicators are recommended to be approved by corresponding environmental protection authorities.
- The information received should be collected and kept in the format that allows it to be used by other authorities.
- In order to confirm the quality and comparability of the information furnished as a result of monitoring, it is recommended to specify the measuring and analysis (data processing) method(s) used to collect information.
- Monitoring activities should include actions to mitigate adverse environmental and health effects.

Monitoring activities and assessment of their feasibility in terms of available resources (material, financial and human resources) must be approved by the customer.

Monitoring of UPD effects should focus on the following principal areas:

1. Climate change mitigation and adaptation
2. Prevention of industrial contamination, and atmospheric air protection
3. Waste management and chemical security
4. Water resources and water body management
5. Land protection and use
6. Preservation and recovery of biodiversity, ecosystems and development of conservation areas
7. Efficiency of public and local administration in the field of environmental protection
8. Public health and safety to the extent affected by the environment.

Additional areas for monitoring can be identified if environmental or socio-economic conditions of the area of the UPD implementation or associated environmental risks may require this.

Climate focus

It is recommended to check effects of planning and land surveying solutions and activities for the following:

- Implementation of action plans for sustainable energy development and climate, achievement of their specific targets, reduction of greenhouse gas emissions, increase in their absorption volumes, and ultimate achievement of carbon neutrality in the community or region (climate experts should be contacted for calculations), mitigation of risks and increase in resilience of settlements, territories and communities to climate change effects (maximum temperatures, shortage of drinking water, irrigation water, water for other business needs, the threat of heat waves for public health and safety, fires, extreme natural disasters, and flooding risks)

- Capacity of the community or region for forming and implementing strategies and action plans for climate change adaptation (strategies and action plans for climate change adaptation are quite comprehensive documents and can include actions to manage water bodies, lands and soil, forests, agricultural lands, power facilities, transport and infrastructure, tourism, etc.)
- Raising of climate-sustainable investment in the community or region (impact on attractiveness of the community or region for green investment)
- General capacity at the community level for introducing energy efficiency, energy modernization, energy management and clean energy transition activities
- Prospects of optimizing the structure of passenger and freight carriage in cities in order to reduce contamination and noise, increase energy efficiency, turn to electric transport and smart mobility.

Prevention of industrial pollution, and atmospheric air protection

It is recommended to check the following:

- Implementation of planning actions (for instance, changes in the planning organization of the city territory in order to meet sanitary and hygienic requirements; creation of and planting in sanitary protective areas for industrial enterprises; development of the street network and by-pass roads for transit transport; creation of the protective green system)
- Implementation of technological and sanitary technical actions to achieve environmental security (for instance, introduction of new low and no-waste technologies at industrial enterprises; modernization of existing thermal energy supply facilities etc.)
- Effects of planning solutions and actions that influence the capability to implement plants for improving atmospheric air quality or short-term plans for zones and agglomerations (which are duly developed and approved by the atmospheric air quality management authorities at the regional and local levels) as well as the overall prospects of achieving sustainable increase in impact of emissions, water discharges, noise and industrial and transport waste upon the population and (if any) especially vulnerable natural territories and ecosystems
- Creation of conditions and opportunities to develop eco-industrial parks
- Capability to ensure further reconstruction and modernization of systems for waste water disposal, treatment and discharge of business and household (communal), surface and industrial waste water into water bodies.

Waste management and chemical security

It is recommended to check effects of planning solutions and activities for the following:

- Implementation of regional and local waste management plans, management (liquidation) of rubbish dumps that are illegal and fail to meet the normative requirements, achievement of targets in the area of household and other waste management
- Development prospects of waste management infrastructure (construction of the system of new facilities, modernization and expansion of the existing ones)
- Emergence of and increase or decrease in different environmental risks in the territory covered by the UPD, in particular, from chemically hazardous facilities, hazardous waste management facilities, other increased-hazard facilities; to monitor risks and threats for chemical security (where there are corresponding industrial or other hazardous manufacturing facilities) as well as for the purposes of forecasting, prevention, timely detection of, response to and liquidation of probable incidents at such facilities
- Recovery to reach the safe condition (decontamination, reclamation) of territories of environmentally hazardous enterprises, warehouses with hazardous waste or other hazardous substances etc. (if any).

Water resources and water body management

It is recommended to check effects of planning solutions and actions for the following:

- Waste water disposal and treatment in the territory of the settlement
- Timely construction of local treatment facilities for the storm water drain system and their performance
- Creation (determination in the land surveying and town planning documentation) of water protection zones and coastal protective strips, cleaning (organization) thereof, protective forest or meadow planting, other actions in their territory to maintain the favourable regime in these territories and corresponding rivers or water bodies
- Organization of water recreation areas
- Implementation of technological and technical actions at industrial facilities (introduction of reverse water supply system, no-waste water production facilities with closed water supply cycles etc.), to check effects of planning solutions and actions for the plans and projects to recover the good environmental condition of rivers or water bodies, to preserve and recover water and swamp lands
- Efficiency of water supply and waste water disposal systems (including the storm water drain system) to be determined based on laboratory tests of quality of drinking water and water in public water use locations (including beaches) by means of chemical and bacteriological indicators.

Land protection and use

It is recommended to check effects of planning solutions and actions to resolve the tasks and issues related to:

- Need of reclamation, withdrawal from economic turnover and preservation of contaminated, disturbed or degraded lands (including as a result of Russia's armed aggression)
- Anti-erosion and anti-land slide protection or protection from harmful water effects (flooding, destruction of banks etc.)
- Achievement of an environmentally balanced structure of agricultural lands (optimum ratio between the arable land and environmentally stable lands: pastures, hay meadows, field protection forest strips and other perennial plantations).

Preservation and recovery of biodiversity, eco-systems and development of conservation areas

It is recommended to check the effects of planning solutions and activities for the following:

- Achievement of targets as to expansion of the area of the nature reserve fund and efficient regime of its protection and use, development of other conservation areas (the ecological network, the Emerald Network, etc.)
- Use of plans and projects for recovery (renaturalization) of the nature reserve fund, other natural eco-systems or their individual items (fauna, flora, habitats)
- Implementation of the actions or plans necessary for preservation and breeding of animals and plants from the Red Data Book of Ukraine or other animals and plants covered by special protection at the international, national or regional level
- Protection of natural eco-systems of different types from destruction and degradation, forest fire protection as well as protection from invasive plants or animals from spreading
- Achievement of the environmentally balanced land structure at the regional or local level (optimum ratio of the arable land and developed land, on the one hand, and land with nature-focused eco-systems, on the other hand).

Efficiency of public and local administration in the field of environmental protection

It is recommended to check and assess effects of planning solutions and activities for the following:

- Implementation of regional and local environmental protection programmes
- Implementation of regional or local environmental recovery plans and projects as well as protection of the environment from effects of the Russian armed aggression
- Capacity for organizing and monitoring the environment at the regional or local level, including to maintain and develop the necessary network of observation stations (posts).

Public health and safety to the extent affected by the environment

It is most likely that specific indicators will not be determined during the drafting since public health monitoring to the extent affected by the environment is not carried out in the State yet.

Sanitary protection zones of industrial and other production facilities under reconstruction have to meet the normative requirements of the State Sanitary Rules for Planning and Construction Development of Settlements DSP No. 173-96.

When implementation of the draft UPD is monitored, implementation of solutions on organization and arrangement of recreational areas needs to be checked.

Environmental effects of the UPD, including the ones for public health, can be monitored with account being taken of the existing opportunities of access to the data that might be used as indicative targets of manifestation of certain effects of UPD implementation (see table 10).

Table 10. Indicators of environmental, including health, effects of the implementation of the UPD

Affected field	Indicators
<p>Atmospheric air pollution</p>	<ul style="list-style-type: none"> • Volume of emissions of contaminants into the atmospheric air from stationary and mobile sources of emissions, tonnes per year • Volumes of industrial emissions from stationary sources by individual contaminants (suspended solid particles, dioxide and other sulphur compounds, nitrogen compounds, carbon oxide, non-methane volatile organic compounds, metals and other compounds) tonnes per year, as well as in percent of the level of the base (initial) period • Volumes of emissions from mobile sources of contamination by individual contaminants (suspended solid particles, dioxide and other sulphur compounds, nitrogen compounds, carbon oxide, methane, non-methane volatile organic compounds) thousand tonnes per year, as well as in percentage of the level of the base (initial) period • Quantity of atmospheric air emissions per person, kilograms per capita • Dynamics of indicators of the actual quality of the atmospheric air (namely actual ambient concentration by contaminants) during the UPD implementation period in comparison with the base (initial period) (following the atmospheric air monitoring), share of the maximum permissible concentration • Volumes of emissions of contaminants and carbon dioxide into the atmospheric air by stationary sources of contamination by types of economic activity, percentage of the total amount
<p>Water resources</p>	<ul style="list-style-type: none"> • Quantity of households connected to the centralized water supply system, percentage of the total quantity • Quantity of households connected to the centralized waste water disposal system, percentage of the total quantity • Volume of waste water from the housing and utility sector and industrial enterprises, m³ per year

Affected field	Indicators
	<ul style="list-style-type: none"> • Volume of waste water used in reverse water supply systems, m³ per year • Quantity of quality samples of drinking water from centralized and decentralized water supply sources (including based on radiation indicators) that fail to meet the prescribed sanitary standards, percentage of the total quantity of samples per day, samples per month, samples per year • Total volume of fresh water intake in general, including the volume of intake of fresh surface waters, volume of intake of fresh underground waters, m³ per year • Use of fresh waters in general, including for production needs, household and drinking needs, agricultural needs, etc., m³ per year • Use of fresh waters in general, including by the main type of economic activity, m³ per year • Water use per capita, m³ per year per capita • Water resource exploitation index (ratio between the total water intake volume and the total volume of the renewable fresh water resources), percentage of the renewable fresh water resources • Return water discharge, including into surface water bodies, underground horizons, collectors, m³ per year • Discharge of contaminated return waters into surface water bodies, including contaminated return waters without treatment, poorly treated return waters, m³ per year, percentage of the total volume of waste waters discharged • Discharge of contaminated return waters into surface water bodies per living person, m³ per year • Area of the coastal protective strips of water flows and water bodies, with inclusion of their borders into the nature and landscaping, hectares
<p style="text-align: center;">Preservation of biodiversity</p>	<ul style="list-style-type: none"> • Share of creation of public green areas, hectares/percentage of the total area of the territory • Share of sites to create recreational areas with the necessary level of landscaping and organization, hectares/percentage of the total area of the territory • Total area of the nature reserve territories in the absolute and relative ("conservation percentage") quantity, hectares/percentage of the total area of the territory
<p style="text-align: center;">Increased efficiency of the waste management system</p>	<ul style="list-style-type: none"> • Volumes of generation, accumulation and treatment of solid household waste, tonnes per year • Volumes of generation, accumulation and treatment of industrial, including hazardous, waste, tonnes per year • Volume of generation of household waste by a rural resident, tonnes per year • Volume of generation of household waste by a city resident, tonnes per year • Volumes of generated waste that is collected (accepted) based on contracts made with organizations with the extended producer responsibility, tonnes per year, percentage of the total volume of the waste generated • Quantity of the households that have concluded the waste removal agreement, percentage of the total quantity • Volumes of waste generated by households and other sources if elements of such waste are similar to household waste, tonnes per year • Volumes of waste generated by types of economic activity of enterprises, tonnes per year

Affected field	Indicators
<p>Social and economic aspects</p>	<ul style="list-style-type: none"> • Construction of the street and road network of the city, kilometres per year • Development of networks and facilities of the centralized waste water disposal system, kilometres per year; facilities per year • Development of networks and facilities of the centralized water supply system, kilometres per year; facilities per year • Development of networks and facilities of the storm water drain system, kilometres per year; facilities per year • Quantity of health resort and recreational facilities, units • Specific weight of renewable sources in the total volume of electric power supplied, percentage • Specific weight of renewable sources in the total volume of thermal power supplied, percentage • Quantity of innovation technological processes introduced in the manufacturing industry, units • Share of enterprises that implement innovation projects, percentage • Quantity of organizations that perform scientific and technical scientific works, units • Quantity of industrial production enterprises with projects for organization of the sanitary protective zone, and extent of implementation, units out of the total quantity of the enterprises registered • Area of the special purpose green areas created (noise-protection plants, green sanitary protective zones), hectares • Quantity of noise protection screens installed along the railway, meters • Quantity of the utility infrastructure facilities where overhaul and/or reconstruction has been performed, units • Quantity of new utility infrastructure facilities commissioned, units • Quantity of pre-school educational establishments, units • Quantity of general secondary and higher educational establishments, units • Quantity of care homes for the elderly and persons with disabilities (adults, children and the youth), units • Quantity of healthcare institutions
<p>Public health</p>	<ul style="list-style-type: none"> • Availability of doctors of any speciality for the public (per 10,000 of actual population), doctors • Morbidity for specific contagious diseases, persons • Quantity of persons living with HIV and AIDS, persons • Morbidity for malignant tumours, persons • Morbidity for active tuberculosis, persons • Morbidity for venereal diseases, persons • Quantity of occupational accidents, units • Natural population increase, decrease, persons per 1,000 of actual population • Infant mortality (children under 1 year), per 1,000 live births • Size of permanent population (as of the end of the year)

While determining monitoring indicators, the indicators established by the Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030 approved by Ordinance of the Cabinet of Ministers of Ukraine No. 686 of 21 August 2019 “Matters of Data Collection to Monitor the Implementation of the Sustainable Development Goals” and other strategic documents setting indicators to assessment implementation should be taken into consideration.

3.10. Description of likely transboundary environmental, including health, effects

If UPD provides for the types of activities or facilities that will probably have environmental, including health, effects in the affected State, and the affected State intends to participate in transboundary consultations, such consultations must be conducted in accordance with article 14 of the Law of Ukraine “On Strategic Environmental Assessment”.

If implementation of the UPD to be approved in the territory of the State of origin will probably have environmental effects for Ukraine, transboundary consultations must be conducted in accordance with article 15 of the Law of Ukraine “On Strategic Environmental Assessment”.

Upon request of the MEPNR, actions to ensure notification and participation of the public of Ukraine in transboundary consultations should be ensured by environmental protection and healthcare units of the oblast State administrations.

This section is prepared where there are likely transboundary environmental, including health, effects. Such effects are recommended to be described in accordance with item 3.6 of the Guidelines.

According to article 15 of the Law of Ukraine “On Strategic Environmental Assessment”, after the UPD is approved, the MEPNR must ensure notification of the affected State based on the customer’s submission regarding the following:

- Content of the UPD approved
- Information on how environmental protection matters are taken into consideration in the UPD, and how the SEA report considers results of the consultations and proposals submitted by the affected State as well as justification of selecting this very UPD in the approved form out of the other reasonable alternatives submitted
- Actions taken to monitor effects of the UPD.

The customer is recommended to furnish the MEPNR with all the necessary information, including translation of corresponding documents.

3.11. Non-technical summary

The purpose of the summary is to make principal clauses and conclusions of the SEA report accessible and easy to understand for the public and for decision makers.

The summary should briefly describe the principal clauses and conclusions of each section of the SEA report.

3.12. Public discussion and consultations

For the decision on approval of the UPD to be made, the customer should consult the corresponding executive authorities, publish the draft UPD, the SEA report and the notice of publication of these documents.

After the draft UPD and the SEA report are received via the Unified Register, the authorities involved in the consultations provide their comments and proposals on the draft and the report to the customer within 30 days after they have been submitted to the Unified Register by the customer.



Concurrently with the consultations, the customer should ensure public discussion in order to receive and consider comments and proposals by posting the documents (the SEA report and the draft UPD) on its website and by submitting them to the Unified Register.

The notice of publication of the draft UPD and the SEA report should be posted on the customer's official website. In rural settlements with limited internet access, it should be placed in at least three public places (at news boards of bodies of local self-government, social and cultural establishments, designated bus stops, locations designated and equipped by the local self-government offices, and in other public areas), and should be submitted to the Unified Register.

The duration of public discussion is to be established by the customer and must be at least 30 days from the date of posting the publication notice.

Public discussion of the draft UPD at the local level (the integral plan for spatial development of the territory, the general layout plan of settlements, the territory zoning plan, the comprehensive layout plan of the territory) during SEA should be carried out as prescribed by article 21 of the Law of Ukraine "On Regulation of the Urban Planning Activity".

As for the draft UPD at the local level, public hearings during the SEA are mandatory. Public hearings during public discussion of UPD at the local level should be conducted in at least the ten days after the draft UPD is made public. The legal basis for public hearings is the Procedure for Involving the Public into Discussion of Making the Decisions Capable of Affecting the Environment approved by Resolution of the Cabinet of Ministers of Ukraine No. 771 of 29 June 2011 (as amended on 23 January 2019). Public hearings during the SEA are recommended to be combined with the procedure for public hearings for the draft UPD.

The customer should draw up a consultations report following the consultations and a public hearing report following the public hearing.

The form of the report can be found in the Guidelines on Strategic Environmental Assessment of Strategic Planning Documents approved by Order of the Ministry of Environmental Protection and Natural Resources of Ukraine No. 296 of 10 August 2018 as amended on 29 December 2018 under No. 465 and on 18 July 2019 under No. 260.

4. TAKING INTO ACCOUNT OF THE SEA REPORT IN THE STATE PLANNING DOCUMENT

According to article 7(1) of the Law of Ukraine “On Strategic Environmental Assessment”, SEA is the procedure which provides for the taking into account of the SEA report.

It is prescribed by article 9(1) of the Law of Ukraine “On Strategic Environmental Assessment” that one of six stages of SEA is the taking into account of the SEA report, and the results of public discussion and consultations.

According to article 5(1) of the Law of Ukraine “On Strategic Environmental Assessment”, the powers of the UPD customer include the taking into account of the SEA report in the UPD.

One of the objectives of the SEA report is to give recommendations on how to mitigate adverse environmental, including health, effects of the UPD as well as how to maximize positive effects. Therefore, the recommendations given in the SEA report must be integrated into the UPD.

So, the customer is recommended to:

- where applicable, adjust the draft UPD to include the recommendations given in the SEA report. The SEA report as a part of the UPD mostly supplements and justifies planning solutions. The comments and proposals received during public discussion and consultations with the executive authorities must be processed. The degree of consideration thereof in the UPD must be necessarily covered by forming and publishing respective certificates in accordance with the Law of Ukraine “On Strategic Environmental Assessment”;
- draw up public discussion and consultations reports to sum up all the comments and proposals received and to justify selection of this draft UPD in the format in which it is proposed to be approved out of the other reasonable alternatives considered, and furnish justification if there are any comments or proposals that have been dismissed or taken into consideration partially.

The reports must be accompanied by the written comments and proposals received.

Consultations and public discussion reports are public information, and are to be submitted to the Unified Register by the customer.

The customer is not recommended to make a decision on approving UPD (or amendments thereto) in case there are irreversible adverse environmental or health effects of project solutions of the corresponding UPD, which were established during the SEA of the UPD and recorded in the SEA report.

5. INFORMING ON THE APPROVAL OF THE UPD

According to article 16(1) of the Law of Ukraine “On Strategic Environmental Assessment”, the customer must, within five business days following the approval of the UPD, post the approved UPD on its official website and submit it to the Unified Register (except for the information that constitutes a State secret or pertains to restricted information in accordance with the legislation), in addition to the decision on approval thereto and actions to be taken to monitor UPD implementation effects, and inform the MEPNR thereof in writing.



6. RESPONSIBILITY IN STRATEGIC ENVIRONMENTAL ASSESSMENT

Articles 18 and 19 of the Law of Ukraine “On Strategic Environmental Assessment” provide for disciplinary, civil and administrative responsibility of the persons who have committed offences in relation to an SEA.

It is also prescribed by the Law of Ukraine “On Strategic Environmental Assessment” that each of the following constitutes an offence:

- Failure to carry out an SEA
- Violation of the SEA procedure
- Failure to take into account of the SEA results when approving the UPD.

It is also prescribed that failure to carry out SEA and violation of the SEA procedure are a basis for:

- revoking decisions of the public authorities and bodies of local self-government on approval of UPD, invalidating UPD
- refusing to agree upon and approve draft UPD
- refusing to establish and change the intended purpose of land plots as well as boundaries of settlements, which are done on the basis of or taking into account of corresponding UPD.

Decisions of the public authorities or bodies of local self-government during SEA can be challenged in court.

Annex 1

PRINCIPAL LEGAL AND NORMATIVE ACTS RECOMMENDED TO BE APPLIED DURING THE STRATEGIC ENVIRONMENTAL ASSESSMENT OF URBAN PLANNING DOCUMENTATION

- Constitution of Ukraine
- Water Code of Ukraine
- Land Code of Ukraine
- Air Code of Ukraine
- Forest Code of Ukraine
- Civil Protection Code of Ukraine
- United Nations General Assembly resolution “Transforming our World: 2030 Agenda for Sustainable Development” of 25 September 2015
- Decree of the President of Ukraine “On the Sustainable Development Goals of Ukraine until 2030” No. 722/2019 of 30 September 2019.

Environmental protection

International legal and normative acts

- Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) ratified by Law of Ukraine No. 562-VIII of 1 July 2015
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
- Convention on Biological Diversity of 1992 ratified by the Law of Ukraine No. 257/94-BP of 29 November 1994
- Bern Convention on the Conservation of European Wildlife and Natural Habitats (accession to the Convention by Law of Ukraine No. 436/96-BP of 29 October 1996)
- United Nations Framework Convention on Climate Change ratified by Law of Ukraine No. 435/96-BP of 29 October 1996
- United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (accession to the Convention by Law of Ukraine No. 61-IV of 4 July 2002)
- Paris Agreement ratified by Law of Ukraine No. 1469-VIII of 14 July 2016
- European Landscape Convention ratified by Law of Ukraine No. 2831-IV of 7 September 2005
- Convention on Wetlands of International Importance, especially as Waterfowl Habitat enacted for Ukraine on 15 November 1997 under No. 437/96-BP

- Convention on the Conservation of Migratory Species of Wild Animals (accession to the Convention by Law of Ukraine No. 535-XIV of 19 March 1999)
- Agreement on the Conservation of African-Eurasian Migratory Waterbirds ratified by Law of Ukraine No. 62-IV of 4 July 2002
- Agreement on the Conservation of Populations of European Bats (accession to the Agreement by Law of Ukraine No. 663-XIV of 14 May 1999)

Laws of Ukraine

- On Waste Management
- On Access to Public Information
- On Citizens' Appeals
- On Increased-Hazard Facilities
- On the Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030
- On Protection of Atmospheric Air
- On Land Protection
- On Cultural Heritage Protection
- On Environmental Protection
- On Environmental Impact Assessment
- On Strategic Environmental Assessment
- On the Nature Reserve Fund of Ukraine
- On Plant Life
- On the Wildlife
- On the Red Data Book of Ukraine
- On the Ecological Network of Ukraine
- On Resorts
- On the Legal Regime of the Territory Exposed to Radioactive Contamination due to the Chernobyl Disaster
- On Drinking Water and Drinking Water Supply
- On Alternative Sources of Energy
- On Land Reclamation

Legal and normative acts of the Cabinet of Ministers of Ukraine

- Regulation on the State Environmental Monitoring System approved by Resolution of the Cabinet of Ministers of Ukraine No. 391 of 30 March 1998
- Regulation on Land Monitoring approved by Resolution of the Cabinet of Ministers of Ukraine No. 661 of 20 August 1993
- Procedure for Monitoring Environmental, Including Health, Effects of Implementation of the State Planning Document approved by Resolution of the Cabinet of Ministers of Ukraine No. 1272 of 16 December 2020
- Procedure for State Water Monitoring approved by Resolution of the Cabinet of Ministers of Ukraine No. 758 of 19 September 2018
- Concept of Implementation of the Public Climate Change Policy until 2030 approved by Ordinance of the Cabinet of Ministers of Ukraine No. 932 of 7 December 2016
- State Strategy for Regional Development for 2021-2027 approved by Resolution of the Cabinet of Ministers of Ukraine No. 695 of 5 August 2020
- Action Plan for the Concept of Implementation of the Public Climate Change Policy until 2030 approved by Ordinance of the Cabinet of Ministers of Ukraine No. 878 of 6 December 2017

- Procedure for Determining the Size and Boundaries of Water Protection Zones and the Regime of Economic Activities approved by Resolution of the Cabinet of Ministers of Ukraine No. 486 of 8 May 1996
- Legal Regime of Sanitary Protection Zones of Water Bodies approved by Resolution of the Cabinet of Ministers of Ukraine No. 2024 of 18 December 1998
- National Environmental Protection Action Plan until 2025 approved by the Resolution of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021.

Urban planning

Laws of Ukraine

- On Regulation of Urban Planning
- On the Fundamentals of Urban Planning
- On Improvement of Settlements
- On Construction Norms
- On Liability for Offences in the Field of Urban Planning
- On the National Infrastructure of Geospatial Data.

Legal and normative acts of the Cabinet of Ministers of Ukraine

- Procedure for Developing, Updating, Amending and Approving Urban Planning Documentation approved by Resolution of the Cabinet of Ministers of Ukraine No. 926 of 1 September 2021
- Classification of the Land Use Restrictions Established by the Integral Plan for Spatial Development of the Territory of the Territorial Community, the General Layout Plan of the Settlement, the Comprehensive Layout Plan of the Territory approved by Resolution of the Cabinet of Ministers of Ukraine No. 654 of 2 June 2021
- Procedure for Determining the Format of Electronic Documents of the Integral Plan for Spatial Development of the Territory of the Territorial Community, the General Layout Plan of the Settlement, the Comprehensive Layout Plan of the Territory approved by Resolution of the Cabinet of Ministers of Ukraine No. 632 of 9 June 2021
- Procedure for Public Consultations on Formation and Implementation of the State Policy approved by Resolution of the Cabinet of Ministers of Ukraine No. 996 of 3 November 2010
- Procedure for Public Hearings on Draft Urban Planning Documentation at the Local Level approved by Resolution of the Cabinet of Ministers of Ukraine No. 555 of 25 May 2011
- Regulation on the Urban Planning Cadastre approved by Resolution of the Cabinet of Ministers of No. 559 of 25 May 2011
- Procedure for Keeping the State Electronic Construction System approved by Resolution of the Cabinet of Ministers of Ukraine No. 681 of 23 June 2021.

State Building Norms (SBN)

- SBN Б.1.1-13:2021 "Elements and content of urban planning documentation at the State and regional levels"
- SBN Б 1.1 – 14:2021:2021 "Elements and content of urban planning documentation at the local level"
- SBN Б.2.2-12:2019 "Territory planning and development"
- SBN Б.2.2-5:2011 "Territory improvement"
- SBN Б.2.2-3:2021 "Elements and content of the historical and architectural basic plan of a settlement".

Orders of the central executive authorities

- Order of the Ministry of Regional Development, Construction, Housing and Utilities of Ukraine "On Approval of the Procedure for Urban Planning Monitoring" No. 170 of 1 September 2011 registered with the Ministry of Justice of Ukraine on 7 November 2011 under No. 1268/20006

- Order of the Ministry of Construction, Architecture, Housing and Utilities of Ukraine “On Approval of the Rules for Maintaining Green Areas in Settlements of Ukraine” No. 105 of 10 April 2006 registered with the Ministry of Justice of Ukraine on 27 July 2006 under No. 880/12754
- Order of the Ministry of Housing and Utilities of Ukraine “On Approval of the Regulation on the System for Monitoring Green Areas in Cities and Urban-Type Settlements of Ukraine” No. 240 of 4 August 2008 registered with the Ministry of Justice of Ukraine on 16 October 2008 under No. 981/15672
- Order of the Ministry for Communities and Territories Development of Ukraine “On Approval of the Structure of the Urban Planning Documentation Geo Data Base at the Local Level” No. 56 of 22 February 2022 registered with the Ministry of Justice of Ukraine on 16 April 2022 under No. 432/37768
- Order of the Ministry of Regional Development, Construction, Housing and Utilities of Ukraine “On Approval of the Procedure for Developing Urban Planning Documentation” No. 290 of 16 November 2011 registered with the Ministry of Justice of Ukraine on 20 December 2011 under No. 1468/20206.

Land management

Laws of Ukraine

- On State Control over Land Use and Protection
- On Land Management.

Legal and normative acts of the Cabinet of Ministers of Ukraine

- Procedure for Keeping the State Land Cadastre approved by Resolution of the Cabinet of Ministers of Ukraine No. 1051 of 17 October 2012.

Health care

Laws of Ukraine

- On the Fundamentals of the Legislation of Ukraine on Health Care
- On Ensuring Sanitary and Epidemic Welfare of the Population.

Legal and normative acts of the Cabinet of Ministers of Ukraine

- Regulation on the Hygiene Regulation and State Registration of Hazardous Factors approved by Resolution of the Cabinet of Ministers of Ukraine No. 420 of 13 June 1995
- Procedure for State Social and Hygiene Monitoring approved by Resolution of the Cabinet of Ministers of Ukraine No. 182 of 22 February 2006.

Orders of the Ministry of Health of Ukraine

- “On Approval of the State Sanitary Standards for Tolerable Noise Levels at Residential and Public Buildings and in the Residential Development Territory” No. 463 of 22 February 2019 registered with the Ministry of Justice of Ukraine on 20 March 2019 under No. 281/33252
- “On Approval of the Hygiene Regulations of Tolerable Content of Chemical and Biological Substances in the Atmospheric Air in Settlements” No. 52 of 14 January 2020 registered with the Ministry of Justice of Ukraine on 10 February 2020 under No. 156/34439
- “On Approval of the Hygiene Regulations of Tolerable Content of Chemical Substances in Soil” No. 1595 of 14 July 2020 registered with the Ministry of Justice of Ukraine on 31 July 2020 under No. 722/35005
- “On Approval of the State Sanitary Rules for Planning and Development of Settlements” No. 173 of 19 June 1996 registered with the Ministry of Justice of Ukraine on 24 July 1996 under No. 379/1404
- “On Approval of the Guidelines on Assessment of Public Health Risk of Atmospheric Air Contamination” No. 184 of 13 April 2007.

Annex 2

MEASURES RECOMMENDED TO BE TAKEN TO PREVENT, REDUCE AND MITIGATE ADVERSE EFFECTS OF THE IMPLEMENTATION OF THE UPD

#	Measures	Legal and normative acts
1.	Measures for atmospheric air protection	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Environmental Protection • Protection of Atmospheric Air • Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030 • Alternative Sources of Energy. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine</p> <ul style="list-style-type: none"> • Resolution of the Cabinet of Ministers of Ukraine No. 827 of 14 August 2019 “Certain Matters of State Monitoring in the field of Atmospheric Air Protection” • Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 “On Approval of the National Environmental Protection Action Plan until 2025”. <p>Legal and normative acts of the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> • Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 “On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety”.
2.	Organizational and economic actions to ensure reasonable water use and protection and water resource reproduction	<p>Water Code of Ukraine</p> <p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Environmental Protection • Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030 • Land Reclamation.
3.	Measures to preserve water content of rivers and protect it from pollution	<p>Acts of the President of Ukraine</p> <ul style="list-style-type: none"> • Decree of the President of Ukraine No. 436/2001 of 15 June 2001 “On the System for Responding to Emergencies at Water Bodies”. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine</p>
4.	Measures to prevent harmful water effects and to eliminate their impacts	<ul style="list-style-type: none"> • Resolution of the Cabinet of Ministers of Ukraine No. 758 of 19 September 2018 “On Approval of the Procedure for State Water Monitoring” • Resolution of the Cabinet of Ministers of Ukraine No. 486 of 8 May 1996 “On Approval of the Procedure for Determining the Size and Boundaries of Water Protection Zones and the Regime of Economic Activities” • Resolution of the Cabinet of Ministers of Ukraine No. 465 of 25 March 1999 “On Approval of the Rules for Protecting Surface Waters from Return Water Contamination”

#	Measures	Legal and normative acts
5.	Emergency measures to prevent natural disasters caused by harmful water effects, accidents at water bodies, and to eliminate the consequences of these	<ul style="list-style-type: none"> Resolution of the Cabinet of Ministers of Ukraine No. 1100 of 11 September 1996 "On Approval of the Procedure for Developing the Norms for Maximum Admissible Discharge of Contaminants into Water Bodies, and the List of Contaminants with Regulated Discharge into Water Bodies" Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025" Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety".
6.	Measures to protect and reasonably use water resources	<p>Water Code of Ukraine</p> <p>Laws of Ukraine</p> <ul style="list-style-type: none"> Environmental Protection Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030 Drinking Water and Drinking Water Supply. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine</p> <ul style="list-style-type: none"> Resolution of the Cabinet of Ministers of Ukraine No. 2024 of 18 December 1998 "On the Legal Regime of Sanitary Protection Zones of Water Bodies" Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025". <p>International acts</p> <ul style="list-style-type: none"> Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of 1992 (ratified by Law No. 1066-IV of 9 July 2003).
7.	Measures to maintain productivity of agricultural lands, to increase their ecological resilience and soil fertility	<p>Land Code of Ukraine</p> <p>Laws of Ukraine</p> <ul style="list-style-type: none"> Land Protection Environmental Protection Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030 Land Reclamation State Control over Land Use and Protection.
8.	Land protection measures in water management	
9.	Measures to protect land and soil from waste contamination	<p>Legal and normative acts of the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety"
10.	Measures to protect land from erosion and slides	
11.	Land protection measures in urban planning activities	<ul style="list-style-type: none"> Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025".
12.	Measures to protect and reasonably use lands	<p>Land Code of Ukraine</p> <p>Laws of Ukraine</p> <ul style="list-style-type: none"> Land Protection Environmental Protection Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 203 Land Reclamation State Control over Land Use and Protection. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025" Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety".

#	Measures	Legal and normative acts
13.	Measures to protect and reasonably use mineral resources	<p>Subsoil Code of Ukraine</p> <p>Legal and normative acts of the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> • Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025" • Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety".
14.	Measures to prevent or reduce generation of waste and to ensure its safe treatment	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Waste Management • Environmental Protection • Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030 • Radioactive Waste Treatment. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> • Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025" • Ordinance of the Cabinet of Ministers of Ukraine No. 820 of 8 November 2017 "On Approval of the National Strategy for Waste Management in Ukraine until 2030"
15.	Environmental support of measures to treat waste and reduce its generation	<ul style="list-style-type: none"> • Ordinance of the Cabinet of Ministers of Ukraine No. 117 of 20 February 2019 "On Approval of the National Waste Management Plan until 2030" • Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety".
16.	Measures to ensure reasonable use and storage of production and household waste	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Waste Management • Environmental Protection • Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> • Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025" • Ordinance of the Cabinet of Ministers of Ukraine No. 820 of 8 November 2017 "On Approval of the National Strategy for Waste Management in Ukraine until 2030" • Ordinance of the Cabinet of Ministers of Ukraine No. 117 of 20 February 2019 "On Approval of the National Waste Management Plan until 2030" • Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety".
17.	Measures to protect, use without exhaustion and reproduce plant life	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Environmental Protection • Plant Life • Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030 • Quarantine of Plants • Protection of Plants. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine</p> <ul style="list-style-type: none"> • Resolution of the Cabinet of Ministers of Ukraine No. 439 of 12 May 1997 "On the Concept of Preservation of Biological Diversity of Ukraine" • Resolution of the Cabinet of Ministers of Ukraine No. 1286 of 29 August 2002 "On Approval of the Regulation on the Green Book of Ukraine".

#	Measures	Legal and normative acts
18.	Measures to protect and reasonably use natural plant resources	<p>Forest Code</p> <p>Legal and normative acts of the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety".
19.	Measures to protect scientifically justified use without exhaustion and to reproduce the wildlife	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> Environmental Protection Wildlife Protection of Animals from Cruel Treatment Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine</p> <ul style="list-style-type: none"> Resolution of the Cabinet of Ministers of Ukraine No. 439 of 12 May 1997 "On the Concept of Preservation of Biological Diversity of Ukraine" Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025".
20.	Measures to protect and reasonably use wildlife resources	<ul style="list-style-type: none"> Law of Ukraine "On Basic Principles (Strategy) of Public Environmental Policy of Ukraine for the Period until 2030". <p>Legal and normative acts of the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025" Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 "On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety".
21.	Measures to preserve, protect and reproduce animal and plant species that are endangered or face extinction	<p>Law of Ukraine "On the Red Data Book of Ukraine"</p> <p>International acts</p> <ul style="list-style-type: none"> Bern Convention on the Conservation of European Wildlife and Natural Habitats (accession to the Convention by Law of No. 436/96-BP of 29 October 1996) <p>Legal and normative acts of the Cabinet of Ministers of Ukraine</p> <ul style="list-style-type: none"> Resolution of the Cabinet of Ministers of Ukraine No. 1286 of 29.08.2002 "On Approval of the Regulation on the Green Book of Ukraine" Resolution of the Cabinet of Ministers of Ukraine No. 439 of 12 May 1997 "On the Concept of Preservation of Biological Diversity of Ukraine".
22.	Measures to perform research and development, recreation and business activities, to protect, use and reproduce natural complexes and facilities of nature reserves, biosphere reserves, national nature parks, regional landscape parks, wildlife reserves, natural landmarks, reserve areas, botanical gardens, dendrological parks, zoological parks and landmark parks	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> Environmental Protection Nature Reserve Fund of Ukraine Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030. <p>Legal and normative acts of the Cabinet of Ministers of Ukraine</p> <ul style="list-style-type: none"> Ordinance of the Cabinet of Ministers of Ukraine No. 443 of 21 April 2021 "On Approval of the National Environmental Protection Action Plan until 2025".

#	Measures	Legal and normative acts
23.	Measures to preserve the nature reserve fund	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Environmental Protection • Ecological Network of Ukraine • Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030. <p>Legal and normative acts of the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> • Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 “On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety”.
24.	Environmental security measures	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Environmental Protection • On Local Governance in Ukraine.
25.	Nuclear and radiation security measures	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Legal Regime of the Territory Exposed to Radioactive Contamination due to the Chernobyl Disaster • Human Protection from Ionising Radiation • Radioactive Waste Treatment • Using Nuclear Power and Radiation Security. <p>Legal and normative acts of the Verkhovna Rada of Ukraine</p> <ul style="list-style-type: none"> • Resolution of the Verkhovna Rada of Ukraine No. 188/98-BP of 5 March 1998 “On the Principal Directions of the Public Policy of Ukraine on Environmental Protection, Use of Natural Resources and Environmental Safety”.
26.	Economic measures to ensure environmental protection	<p>Tax Code of Ukraine</p> <ul style="list-style-type: none"> • Law of Ukraine “On Environmental Protection”.
27.	Measures in the field of science, awareness-raising and education, training, environmental impact assessment, strategic environmental assessment, organization of labour, participation in activities of international organizations with a focus on environmental protection, introduction of the economic mechanism for environmental protection	<p>Laws of Ukraine</p> <ul style="list-style-type: none"> • Scientific and Scientific Technical Activity • Fundamentals (Strategy) of the State Environmental Policy of Ukraine until 2030.

Annex 3

LIST OF THE POWERS AND RESPONSIBILITIES UNDER THE LAW OF UKRAINE “ON STRATEGIC ENVIRONMENTAL ASSESSMENT”

1. Purpose and context of the checklist

The checklist is a tool to simplify coordination of SEA entities. An SEA requires specific actions from SEA entities in accordance with the Law of Ukraine “On Strategic Environmental Assessment”. Therefore, efficient and effective SEA needs coordinated actions both within the customer’s authority (i.e. within the institution that is responsible for ensuring the implementation of the SEA) and outside (i.e. among the SEA entities where the ability of one institution to perform SEA stages depends on operational results of some other institution).

The purpose of the checklist is to enable SEA entities to understand quickly what needs to be done to complete SEA, and also to check and inform that the work has been performed.

The list focuses on the process, which means that it can be used to support any SEA. Technical or other contents of any SEA-related stage will be determined based on needs of the SEA and specific UPD being developed.

The SEA entities are specified in articles 5 to 8 of the Law of Ukraine “On Strategic Environmental Assessment”. The general framework for their powers and responsibilities is presented in the following table.

It should be noted that, according to that law, the SEA report drafter is not an SEA entity. Based on its competencies and financial capacity, the customer may delegate some of its powers to the drafter.

Table 3.1. Powers and responsibilities of the entities having duties under the Law of Ukraine “On Strategic Environmental Assessment”

Article 5. Powers of the customer ordering State planning documents	
1)	to ensure the implementation of an SEA of the draft UPD
2)	to inform of and ensure equal access to information during the SEA
3)	to ensure timely and effective public participation opportunities in SEA of the draft UPD
4)	to take into account the SEA report, results of public discussion and consultations conducted in accordance with articles 12 and 13 of the Law of Ukraine “On Strategic Environmental Assessment” as well as results of transboundary consultations conducted in accordance with article 14 of the Law of Ukraine “On Strategic Environmental Assessment” in the UPD
5)	to monitor environmental, including health, effects of the implementation of the UPD within its competence
6)	to take measures to eliminate adverse environmental, including health, effects caused by the implementation of the UPD
7)	to enter data into the Unified Register in accordance with the procedure for keeping the Unified Register

- 8) to ensure financing of the SEA process
- 9) to exercise other powers in accordance with the Law of Ukraine "On Strategic Environmental Assessment".

Article 6. Powers of the central executive authority implementing state policy on environmental protection in strategic environmental assessment

- 1) to furnish comments and proposals on the statement on determining the scope of SEA for the draft UPD of the national level
- 2) to furnish comments and proposals on the draft UPD and the SEA report
- 3) to ensure transboundary consultations as prescribed by articles 14 and 15 of the Law of Ukraine "On Strategic Environmental Assessment"
- 4) where necessary, to apply to the authorities specified in article 8 of the Law of Ukraine "On Strategic Environmental Assessment" regarding the actions to ensure notification and participation of the public in Ukraine who may be affected by effects of the implementation of the UPD of the State of origin
- 5) to involve other executive authorities or local self-government bodies, practitioners and scientists into the consultations conducted in accordance with articles 13 to 15 of the Law of Ukraine "On Strategic Environmental Assessment"
- 6) to carry out methodological guidance and methodological advisory support in the field of SEA
- 7) to draft regulatory guidelines on SEA
- 8) to ensure administration of the Unified Register of SEA
- 9) to enter data into the Unified Register in accordance with the procedure for keeping the Unified Register
- 10) to summarize practical implementation of SEA and application of the latest methods of environmental assessment
- 11) to exercise other powers in accordance with the Law of Ukraine "On Strategic Environmental Assessment".

Article 7. Powers of the central executive authority implementing state policy on public healthcare in strategic environmental assessment

- 1) to furnish comments and proposals on the statement on determining the scope of SEA for the draft UPD of the national level
- 2) to furnish comments and proposals on the draft UPD and the SEA report
- 3) to involve other executive authorities or local self-government bodies, practitioners and scientists into the consultations conducted in accordance with articles 13 to 15 of the Law of Ukraine "On Strategic Environmental Assessment"
- 4) to draft regulatory guidelines on SEA
- 5) to enter data into the Unified Register of SEA in accordance with the procedure for keeping the Unified Register
- 6) to exercise other powers in accordance with the Law of Ukraine "On Strategic Environmental Assessment".

Article 8. Powers of the oblast, Kyiv and Sevastopol city State administrations (designated units responsible for environmental protection and healthcare), the executive authority of the Autonomous Republic of Crimea responsible for environmental protection, and the executive authority of the Autonomous Republic of Crimea responsible for healthcare

- 1) to furnish comments and proposals on the statement on determining the scope of SEA for the draft UPD of the local and regional level
- 2) to furnish comments and proposals on the draft UPD of the local and regional level
- 3) to ensure notification and public participation as prescribed by article 15 of the Law of Ukraine "On Strategic Environmental Assessment"

4)	to involve other executive authorities or local self-government bodies, practitioners and scientists into the consultations
5)	to take measures to eliminate adverse environmental, including health, effects caused by implementation of the UPD
6)	to enter data into the Unified Register in accordance with the procedure for keeping the Unified Register
7)	to exercise other powers prescribed by the Law of Ukraine "On Strategic Environmental Assessment" and other legislative acts.

2. Checklists

The Law of Ukraine "On Strategic Environmental Assessment" prescribes the actions to be taken for the SEA of the UPD in the following stages:

- determining the scope of SEA (art.10)
- drawing up the SEA report (art. 11)
- public discussion during SEA (art. 12)
- consultations with the executive authorities during SEA (art.13)
- transboundary consultations (arts. 14–15)
- informing on the approval of UPD (art. 16)
- monitoring (art. 17).

Structure of the checklist

A separate checklist has been developed for each of the SEA entities specified in articles 5 to 8 of the Law of Ukraine "On Strategic Environmental Assessment" (see table 3.2).

The checklist for each SEA entity contains the following information:

- actions to be taken regarding the above-mentioned SEA stages
- reference to the article of the Law of Ukraine "On Strategic Environmental Assessment" that specifies the necessary actions and the responsible authority.

Using the checklist

All the SEA entities responsible for implementing the SEA and specified in the Law of Ukraine "On Strategic Environmental Assessment" may use a checklist.

The SEA entities specified in table 3.1 may use tables 3.2 to 3.4 to promptly determine the specific actions they are responsible for

Duties of the customer

The customer is an entity responsible for preparing the SEA. The customer shall be responsible for the SEA set out in the following articles:

- Article 10. Determining the scope of strategic environmental assessment
- Article 11. Report on strategic environmental assessment
- Article 12. Public discussion during strategic environmental assessment
- Article 13. Consultations with the executive authorities during strategic environmental assessment
- Article 14. Transboundary consultations with the State of origin
- Article 16. Informing on the approval of the State planning document
- Article 17. Monitoring.

The customer's powers regarding the SEA procedure are set out in table 3.2. The customer must use the table as a checklist to guarantee that all the stages of the SEA process are performed in accordance with the Law of Ukraine "On Strategic Environmental Assessment".

Table 3.2. Checklist of the actions to be taken by the customer for the SEA of UPD

Paragraph of the article of the Law	Requirement
Article 2. Scope of the Law	
Paragraph 1	To establish whether UPD is subject to the SEA. If State planning documents are related to urban planning or land management (schemes), and implementation thereof provides for carrying out the types of activity (or contain the types of activity and facilities) subject to the environmental impact assessment procedure in accordance with the legislation or subject to assessment, taking into account the likely effects for areas and sites of the nature reserve fund and the ecological network.
Point 3 of Paragraph 2	An SEA is not carried out for regional recovery and development plans, territorial community recovery and development plans.
Article 10. Determining the scope of strategic environmental assessment	
Paragraph 2	To draw up a statement on determining the scope of SEA and to submit it to the Unified Register for consultations with the MEPNR and the MoH (regarding UPD of the national level), or to submit to the oblast, Kyiv and Sevastopol city State administrations (designated units responsible for environmental protection and healthcare), the executive authority of the Autonomous Republic of Crimea responsible for environmental protection, and the executive authority of the Autonomous Republic of Crimea (regarding UPD of the local and regional level) to determine the scope of environmental assessment studies and methods, the level of detail of the information to be included into the SEA report as well as the need for an SEA of minor amendments to the UPD that has already passed the SEA.
Paragraph 4	To publish the statement on determining the scope of SEA and (if any) the draft UPD on its official website, and to submit them to the Unified Register with a view to obtaining and considering comments and proposals from the public.
	To inform the public of publication of the statement on determining the scope of SEA and (if any) the draft UPD by posting on its official website and, in the rural settlements with limited Internet access, by placing in at least three public places (at news boards of local self-government bodies, social and cultural establishments, designated bus stops, locations designated and equipped by the local government bodies, and in other public areas), and to submit them to the Unified Register.
	To ensure free access of the public to the statement on determining the scope of SEA and (if any) the draft UPD during the entire period of public discussion of the statement.
Paragraph 5	To establish the period for public discussion of the statement on determining the scope of SEA of at least ten days from the date of its publication.
Paragraph 6	Within ten days upon receipt of the statement on determining the scope of SEA by the MEPNR and the MoH (regarding UPD of the national level), or by the oblast, Kyiv and Sevastopol city State administrations (designated units responsible for environmental protection and healthcare), the executive authority of the Autonomous Republic of Crimea responsible for environmental protection, and the executive authority of the Autonomous Republic of Crimea (regarding UPD of the local and regional level), to receive comments and proposals of these authorities on the statement by submitting them to the Unified Register.
	Where there are no comments and proposals during this period, to determine the scope of the studies and to establish the level of detail of the information to be included into the SEA report independently.
Paragraph 8	To post its decision that there is no need for an SEA of minor amendments to the UPD that has already passed the SEA within five business days on its official website, and to submit it to the Unified Register.

Paragraph of the article of the Law	Requirement
Article 11. Report on strategic environmental assessment	
Paragraph 1	To ensure that the SEA report is drawn up with account of the comments and proposals received during public discussion of the statement on determining the scope of SEA as well as the comments and proposals furnished by the respective authorities.
Paragraph 2	<p>To include the following information into the SEA report with account of the contents and the level of detail of the UPD, latest knowledge and assessment methods:</p> <ol style="list-style-type: none"> 1) the contents and main objectives of UPD, its link with other UPD 2) a description of the current state of the environment, including public health, and forecast changes in this state if the UPD is not approved (based on administrative data, statistical information and research findings) 3) the characteristics of the environment, daily living and health conditions of the population in the territories likely to be affected (based on administrative data, statistical information and research findings) 4) environmental issues, including public health risks, relevant to the UPD, in particular as regards territories with the conservational status (based on administrative data, statistical information and research findings) 5) environmental protection commitments, including those related to prevention of adverse effects on public health, established at the international, State and other levels which are relevant to the UPD as well as the ways such commitments have been taken into account in the drafting of UPD 6) a description of environmental, including health, effects, including secondary, cumulative, synergistic, short, medium and long-term (one, three to five and ten to 15 years accordingly, and 50 to 100 years where necessary), permanent and temporary, positive and adverse effects 7) measures to be taken to prevent, reduce and mitigate adverse effects of implementation of the UPD 8) a substantiation of the selection of the reasonable alternatives considered, a description of how the SEA was undertaken including difficulties encountered (insufficient information and technical deficiencies during such assessment) 9) measures to be taken to monitor environmental, including health, effects of the implementation of the UPD 10) a description of likely transboundary environmental, including health, effects (if any) 11) a non-technical summary of the information under points 1 to 10 of this paragraph for the wide audience. <p>To ensure that the SEA report is signed by all its authors (responsible persons) with a specification of their qualifications.</p>
Paragraph 3	To bear in mind that the chapter "Environmental protection" of the draft UPD constitutes the SEA report and that this chapter must meet the requirements of article 11(2) of the Law of Ukraine "On Strategic Environmental Assessment".
Article 12. Public discussion during strategic environmental assessment	
Paragraph 2	To publish the draft UPD and the SEA report on the customer's official website, and to submit them to the Unified Register with a view to obtaining and considering comments and proposals from the public.
Paragraph 4	To post the notice of publication of the draft UPD and the SEA report on the customer's official website in the rural settlements with limited internet access, it should be placed in at least three public places (at news boards of local self-government bodies, social and cultural establishments, designated bus stops, locations designated and equipped by the local self-government bodies, and in other public areas), and to submit it to the Unified Register.

Paragraph of the article of the Law	Requirement
Paragraph 5	<p>To draw up the notice of publication of the draft UPD and the SEA report, which must contain information on the following:</p> <ol style="list-style-type: none"> 1) full title of the proposed UPD, and a summary of its contents 2) body to make a decision whether to approve the UPD 3) proposed procedure for public discussion, including: <ol style="list-style-type: none"> a) date of commencement and time frames for the procedure b) ways of public participation (submission of written comments and proposals, public hearings etc.) c) date, time and venue of scheduled public hearings (if conducted) d) authority that can provide the information and the address where the draft UPD, the SEA report and the environmental, including health, information on the UPD can be reviewed e) authority to which comments and proposals are submitted, its postal and e-mail addresses, and time frames for submitting comments and proposals f) location of available environmental, including health, information on the UPD 4) need for transboundary consultations on the draft UPD.
Paragraph 6	To establish the period for public discussion of at least 30 days from the date of publication of the notice.
Paragraph 7	To receive all the comments and proposals on the draft UPD and the SEA report from the public during the period established for public discussion.
	To consider all the comments and proposals received from the public.
	To take into consideration or to reasonably dismiss the comments and proposals received, and to submit them to the Unified Register.
Paragraph 8	To conduct public hearings or public discussion in any other form.
Paragraph 9	Following the public discussion, to draw up the public discussion report that sums up the comments and proposals received and specifies how the comments and proposals are taken into account in the UPD and the SEA report, or justifies their rejection, and also justifies selection of this very UPD in the form proposed for approval out of the other reasonable alternatives submitted for consideration.
	The report must be accompanied by minutes of the public hearings (if conducted) and the written comments and proposals received.
	To submit the public discussion report to the Unified Register.
Paragraph 10	To ensure that public discussion during the SEA of UPD at the local level is conducted in accordance with the Law of Ukraine "On Regulation of Urban Planning" for public discussion of draft UPD at the local level.
Article 13. Consultations with the executive authorities during strategic environmental assessment	
Paragraph 1	To submit the UPD report and the notice of publication of these documents for consultations to the Unified Register.
Paragraph 2	If an SEA of UPD is carried out, within five business days from the date of submission to the Unified Register of the draft UPD, the SEA report and the notice of publication of these documents necessary for consultations, to send the MEPNR, the MoH and the oblast, Kyiv and Sevastopol city State administrations (designated units responsible for environmental protection and healthcare), the executive authority of the Autonomous Republic of Crimea responsible for environmental protection, and the executive authority of the Autonomous Republic of Crimea graphic materials of such UPD in hard copy.
Paragraph 3	The period for consultations shall not exceed 30 days upon receipt of the graphic materials of the UPD in hard copy.
	The comments and proposals are furnished by being submitted to the Unified Register.
Paragraph 5	To consider all the comments and proposals received from the public within 30 days.
	Following the examination, to take into consideration or to reasonably dismiss the comments and proposals received.

Paragraph of the article of the Law	Requirement
Paragraph 6	<p>Following the consultations, to draw up the consultations report that sums up the comments and proposals received and specifies how the comments and proposals are taken into account in the UPD and the SEA report, and also justifies selection of this very UPD in the form proposed for approval out of the other reasonable alternatives submitted for consideration.</p> <p>The reports shall be accompanied by the written comments and proposals received. The consultations report is public information, and is to be submitted to the Unified Register.</p>
Article 14. Transboundary consultations with the State of origin	
Paragraph 4	To consider that UPD is not approved (is not adopted) until transboundary consultations are completed, and results thereof are taken into account.
Paragraph 5	<p>To conduct consultations with the MEPNR within the time frames approved by the affected State regarding possible transboundary effects of implementation of UPD and measures to prevent, reduce or mitigate such effects if the affected State has notified the MEPNR of its intention to participate in transboundary consultations within the established time frames.</p> <p>To have duration of consultations, their procedure, terms and conditions for translating documents, actions to ensure notification and participation of the public of the affected State approved by the MEPNR and the affected State.</p>
Paragraph 6	<p>After the UPD is approved, to furnish the following information to the MEPNR:</p> <ol style="list-style-type: none"> 1) contents of the approved UPD 2) information on how environmental protection matters have been taken into account in the UPD, and how the SEA report has taken into results of the consultations and proposals as well as a substantiation of selecting this very UPD in the approved form out of the other reasonable alternatives submitted for consideration 3) measures to monitor environmental, including health, effects of the implementation of the UPD.
Paragraph 7	To furnish the MEPNR with all the information necessary for transboundary consultations, including translation of relevant documents.
Article 16. Information on the approval of the State planning document	
Paragraph 1	<p>To post the following within five business days upon approval of the UPD on its official website, and to submit it to the Unified Register:</p> <ol style="list-style-type: none"> 1) UPD approved 2) measures to be taken to monitor effects of the implementation of the UPD 3) consultations and public discussion reports. <p>To inform the MEPNR of posting the above-mentioned documents on its official website in writing within five days after the UPD is approved.</p>
Article 17. Monitoring	
Paragraph 1	<p>Within its competence, to monitor environmental, including health, effects of the implementation of the UPD.</p> <p>Once a year, to post findings of monitoring of environmental, including health, effects of the implementation of the UPD on its official website.</p> <p>In case of adverse environmental, including health, effects that are not provided for by the SEA report, to take measures to eliminate them.</p>
Article 18. Responsibility in strategic environmental assessment	
Paragraph 1	Persons who have committed offences in relation to SEA must bear disciplinary, civil and administrative responsibility in accordance with the Law of Ukraine "On Strategic Environmental Assessment".
Paragraph 2	<p>Offences in SEA are:</p> <ol style="list-style-type: none"> 1) failure to carry out an SEA 2) violation of the SEA procedure 3) failure to take the SEA results into account when approving State planning documents.

Paragraph of the article of the Law	Requirement
	Responsibility for other offences regarding an SEA can also be prescribed by the Law of Ukraine “On Strategic Environmental Assessment”.
Article 19. General framework for legal liability in strategic environmental assessment	
Paragraph 1	Failure to carry out an SEA and violation of the SEA are a basis for: <ol style="list-style-type: none"> 1) revoking decisions of the public authorities and local self-government bodies on approval of State planning documents, invalidating State planning documents 2) refusing to agree upon and approve draft State planning documents 3) refusing to establish and change the intended purpose of land plots as well as boundaries of settlements, on the basis or with account of corresponding State planning documents.
Paragraph 2	Decisions, acts or omission of the public authorities or local self-government bodies during an SEA can be challenged in court.

Powers of public authorities

The Law of Ukraine “On Strategic Environmental Assessment” prescribes powers of the following public authorities:

- Article 6. Ministry of Environmental Protection and Natural Resources of Ukraine
- Article 7. Ministry of Health of Ukraine
- Article 8. Oblast, Kyiv and Sevastopol city State administrations (designated units responsible for environmental protection and healthcare), executive authority of the Autonomous Republic of Crimea responsible for environmental protection, and the executive authority of the Autonomous Republic of Crimea responsible for healthcare.

Powers of the Ministry of Environmental Protection and Natural Resources of Ukraine

The MEPNR’s powers regarding the SEA procedure of UPD are set out in table 3.3. The MEPNR can use a checklist as a management tool to ensure timely performance of its duties.

Table 3.3. Checklist of the actions to be taken by the Ministry of Environmental Protection and Natural Resources of Ukraine for SEA of UPD

Paragraph of the article of the Law	Requirement
Article 6. Powers of the central executive authority implementing state policy on environmental protection in strategic environmental assessment	
Paragraph 8 ^{note1}	To ensure administration of the Unified Register.
Paragraph 8 ^{note2}	To enter data into the Unified Register in accordance with the Procedure for Keeping the Unified Register.
Article 10. Determining the scope of strategic environmental assessment	
Paragraph 6	Within ten days upon submission of the statement on determining the scope of SEA of UPD of the national level to the Unified Register, to furnish the customer with its comments and proposals by submitting them to the Unified Register.
Paragraph 7	To furnish recommendations on the need for an SEA of minor amendments by submitting them to the Unified Register within ten days upon submission thereof to the Unified Register.
Article 13. Consultations with the executive authorities during strategic environmental assessment	
Paragraph 3	Within 30 days upon receipt of graphic materials of the UPD of the national, local and regional level in hard copy, to furnish the customer with its comments and proposals by submitting them to the Unified Register.

Paragraph of the article of the Law	Requirement
	If no comments and proposals are submitted within the time frames set by this Paragraph, comments and proposals are considered to be absent.
Paragraph 4	Where necessary, to engage other executive authorities or local self-government bodies, practitioners and scientists into consultations within the time frames that do not exceed the period for submission of comments and proposals.
Article 14. Transboundary consultations with the State of origin	
Paragraph 3	To establish whether the implementation of UPD is likely to have environmental, including health, effects in the affected State.
	To submit a copy of the draft UPD together with the SEA report (or a part thereof that does not contain State secret) to the affected State.
	To establish the period during which the affected State must inform of its intention (no intention) to participate in transboundary consultations. The period shall be at least 30 days upon the date of notification of the affected State.
Paragraph 4	To inform the customer in writing of the need for transboundary consultations.
Paragraph 5	To conduct consultations with the customer within the time frames agreed by the affected State regarding the likely transboundary effects of the implementation of UPD and the measures to prevent, reduce or mitigate such effects if the affected State has informed of its intention to participate in transboundary consultations within the established time frames.
	To have duration of consultations, their procedure, terms and conditions for translating documents, actions to ensure notification and participation of the public of the affected State agreed by the customer and the affected State.
Paragraph 6	<p>After the UPD is approved, to ensure notification of the affected State based on the customer's submission regarding the following matters:</p> <ol style="list-style-type: none"> 1) contents of the approved UPD 2) information on how environmental protection matters have been taken into account in the UPD, and how the SEA report has considered results of the consultations and proposals submitted as well as a substantiation of selecting this very UPD in the approved form out of the other reasonable alternatives submitted for consideration 3) measures to monitor environmental, including health, effects of the implementation of the State planning document.
Paragraph 7	To receive all the information necessary for transboundary consultations, including translation of relevant documents, from the customer.
Article 15. Transboundary consultations with the affected State	
Paragraph 1	In case a notification is received from the State of origin, and if it is expected that the implementation of the UPD to be approved in the territory of the State of origin is likely to have environmental, including health, effects for Ukraine, to inform the State of origin of an intention (no intention) to participate in transboundary consultations.
Paragraph 2	Before transboundary consultations are conducted, the authority and the State of origin shall agree upon their duration, procedure, terms and conditions for translating documents, and detailed actions to ensure notification and participation of the public in Ukraine.
Paragraph 3	To contact the local authorities in connection with the actions to ensure notification and participation of the public of Ukraine in transboundary consultations.

Powers of the Ministry of Health of Ukraine

The MoH's powers regarding the SEA procedure of UPD are set out in table 3.4. The MoH can use a checklist as a management tool to ensure timely performance of its duties.

Table 3.4. Checklist of the actions to be taken by the Ministry of Health for SEA of UPD

Paragraph of the article of the Law	Requirement
Article 10. Scoping strategic environmental assessment	
Paragraph 6	Within ten days upon submission of the statement on determining the scope of SEA for UPD of the national level to the Unified Register, to furnish the customer with its comments and proposals by submitting them to the Unified Register.
Paragraph 7	To furnish recommendations on the need for an SEA of minor amendments by submitting them to the Unified Register within ten days upon submission thereof to the Unified Register.
Article 13. Consultations with the executive authorities during strategic environmental assessment	
Paragraph 3	Within 30 days upon receipt of graphic materials of the UPD of the national, local and regional level in hard copy, to furnish the customer with its comments and proposals by submitting them to the Unified Register.
	If no comments and proposals are submitted within the prescribed time frames, comments and proposals are considered to be absent.
Paragraph 4	Where necessary, to engage other executive authorities or local self-government bodies, practitioners and scientists into consultations within the time frames that do not exceed the period for submission of comments and proposals.
Article 14. Transboundary consultations with the State of origin	
Paragraph 2	To inform the MEPNR that the MoH expects that the implementation of the UPD is likely to have health effects for the population of the affected State.

The powers of the oblast, Kyiv and Sevastopol city State administrations (designated units responsible for environmental protection and healthcare), the executive authority of the Autonomous Republic of Crimea responsible for environmental protection, and the executive authority of the Autonomous Republic of Crimea responsible for healthcare regarding the SEA procedure are set out in table 3.5.

Table 3.5. Checklist of the actions to be taken by the oblast, Kyiv and Sevastopol city State administrations and respective executive authorities of the Autonomous Republic of Crimea for SEA of UPD

Paragraph of the article of the Law	Requirement
Article 10. Determining the scope of strategic environmental assessment	
Paragraph 6	Within ten days upon submission of the statement on determining the scope of SEA of the UPD of the local and regional level to the Unified Register, to furnish the customer with its comments and proposals by submitting them to the Unified Register.
Article 13. Consultations with the executive authorities during strategic environmental assessment	
Paragraph 3	Within 30 days upon receipt of graphic materials of the UPD of the local and regional level in hard copy, to furnish the customer with its comments and proposals by submitting them to the Unified Register.
Paragraph 4	Where necessary, to engage other executive authorities or local self-government bodies, practitioners and scientists into consultations within the time frames that do not exceed the period for submission of comments and proposals.
Article 14. Transboundary consultations with the State of origin	
Paragraph 2	To inform the MEPNR without delay that the implementation of the UPD is likely to have environmental, including health, effects for the population of the affected State.
Article 15. Transboundary consultations with the affected State	
Paragraph 3	Upon request of the MEPNR, to take actions to ensure notification and participation of the public of Ukraine in transboundary consultations as an affected State.

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