



# The application of strategic environmental assessment in a non-mandatory context: Regional transport planning in New Zealand



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## ABSTRACT

There is no legal mandate for strategic environmental assessment (SEA) in New Zealand. However, a requirement to consider environmental and sustainability issues is a key feature of many statutes, including that relating to regional transport planning. Given this, the research sought to determine whether SEA could be used to improve the incorporation of environmental and sustainability aspects into the regional transport planning process in New Zealand. Existing practice was evaluated, examining what factors currently limiting the consideration of environmental and sustainability issues and to what extent elements of SEA are currently being used. The research culminated in the development of a conceptual model where SEA elements could be incorporated into the existing framework to promote improved consideration of environmental and sustainability issues. The results provide some reassurance about the value of SEA even where its application is not legally mandated. However, it also highlighted some ongoing issues around the integration of SEA in existing frameworks and around the scope of SEA as a decision-aiding tool.

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## 1. Introduction

Strategic environmental assessment (SEA) is one of the most widely used tools internationally to assist in the incorporation of environmental considerations into strategic-level planning and policy development processes. An essential aspect of SEA is that it should be 'fit for purpose' and its application should be customised for specific institutional and decision-making contexts (Fundingsland Tetlow and Hanusch, 2012). The application of SEA has been widely studied across many different countries and sectors (see Fischer, 2007; Sadler et al., 2011 for recent comprehensive summaries). The focus of many of these investigations has been the comparative assessment of different applications of SEA, which have almost exclusively focused on situations where the use of SEA is formally mandated (e.g. by international or national law).

To date, however, there has been limited study of SEA in contexts where its use is not formally mandated. In general, this type of SEA is typically categorised in comparative typologies as 'informal or para-SEA' (Dalal-Clayton and Sadler, 2005) or 'ad-hoc SEA' with no systematic process (Sheate et al., 2003). While the majority of SEAs undertaken around the world are at the 'formal' end of SEA typologies, informal SEA is still an important component of SEA practice. Indeed, it has recently been suggested that "...the 'holy grail' is a situation where SEA is more closely

integrated into the planning process – possibly to the point where there is no longer a differentiation between SEA and planning, where sustainability issues are effectively considered and where SEA ultimately leads to political change." (Fundingsland Tetlow and Hanusch, 2012: 17). Moreover, although SEA enjoys a high profile in some parts of the world, in other parts the concept is less well entrenched, and perhaps even resisted by strategic planners who may not acknowledge SEA as being any different to their current practices. In such cases, the challenge is not to promote SEA as a new process, but to examine ways existing planning and policy development processes might benefit from the adoption of specific SEA thinking and methods, so that the net effect is SEA integrated with planning processes in a way that is acceptable to planners and policy-makers.

The overarching aim of the research described in this paper was to examine whether an existing policy and plan development process could be enhanced by SEA concepts and methods, to promote better incorporation of environmental and sustainability considerations. The study focused on regional transport planning in New Zealand because, while the legislation provides for the incorporation of environmental and sustainability thinking into the transport planning process, it does not specify the use of any particular planning approach or tool (such as SEA).<sup>2</sup> This reflects the fact that there is no formal recognition of SEA in New Zealand legislation, and little support for the concept amongst policy and plan developers at central,

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<sup>2</sup> In the context of this research 'transport planning' refers to the development of transport strategies, policies and plans while 'regional' refers to the sub-national (rather than supra-national) level. There are 17 regions in New Zealand.

regional and local government levels. As such, regional transport planning in New Zealand provided an institutional setting that does not actively support and encourage its use, but would seem to potentially benefit from SEA. The research examined the degree to which SEA elements are represented in existing practice and then explored whether a more explicit use of SEA concepts and methods would be beneficial.

Ward et al. (2005b) provide a comparative analysis of land transport planning practice across several regions in New Zealand. In contrast, our research sought to provide a more detailed analysis of a single region, with greater emphasis on the analysis of actual processes from an SEA standpoint. Although the findings are context specific to a degree, we discuss later (in Section 7) the wider relevance of the key findings to the international SEA community, in relation to the use of SEA in informal (i.e. non-mandatory) contexts and the incorporation of SEA into plan and policy development processes.

## 2. Regional transport planning in New Zealand

Transport planning in New Zealand has undergone significant change over the last decade, including the introduction of a requirement for a much greater consideration of environmental and sustainability issues in transport decision-making. The complexity of the institutional arrangements for regional transport planning in New Zealand, which involve a number of different processes at national, regional and local levels, present a significant challenge to planners and policy-makers.

Transport policies and plans are developed from a combination of top-down (national) and bottom-up (regional and local) processes. At the regional level, the main planning instrument is the regional land transport strategy (RLTS), which is intended to provide long-term guidance on the transport outcomes sought in a region over the next 30 years. The process for developing an RLTS is not explicitly defined but the key outcomes sought are detailed in legislation (the Land Transport Management Act 2003). Those of particular relevance from an environmental and sustainability perspective are:

- contributing to the overall aim of achieving an integrated, safe, responsive, and sustainable land transport system;
- avoiding, to the extent reasonable in the circumstances, adverse effects on the environment;
- taking into account the views of affected communities; and
- giving early and full consideration to land transport options and alternatives in relation to these matters.

In addition to the RLTS process, other processes form part of the wider transport planning regime. Land use planning is regulated by district plans and in some regions these are complemented by regional spatial strategies (RSS). Regional growth can also be influenced by a regional policy statement (RPS), although the primary focus of these tends to be the management of bio-physical resources (i.e. land, air and water) and less so development, growth and strategic infrastructure. The other planning tool with important transport implications is the long-term plan (LTP) produced by local authorities. These 10-year plans identify the community outcomes sought over a wide range of issues, and set out various activities intended to contribute to the social, economic, environmental and cultural well-being of the community. Transport is one of the main issues usually addressed in LTPs.

The process for developing these various strategies, policies and plans is not prescriptive with respect to the tools to be used. Given the emphasis placed on environmental and sustainability aspects, SEA would seem to have a great deal to offer and it is this potential contribution that we investigated through the research.

Prior to legislative changes a decade ago in New Zealand, the legal requirements for considering the impacts of transport systems on the environment had been largely restricted to the application of environmental impact assessment (EIA) to individual transport projects,

with little or no strategic-level consideration.<sup>3</sup> The reforms over the last decade were fundamentally driven by the recognition that continuing to provide transport infrastructure in a reactive fashion was unlikely to be sustainable in the long-term due to the high environmental, social and economic costs associated with traditional 'predict and provide' approaches to transport planning (LTNZ, 2006). These changes in New Zealand reflect international trends towards:

*an increasingly integrated approach to transport planning in which transport serves to meet community objectives (growth, equity, employment, protecting health and the environment), rather than its own self-serving objectives. After all, transport is a means to an end and not an end in itself. This means that transport plans and projects should be assessed by their contribution towards sustainable development (jobs, communities, and so on) instead of growth in mobility or reductions in congestion.*

[(Tomlinson, 2011: 178)]

However, despite the substantially strengthened legal mandate for the consideration of environmental sustainability in transport planning in New Zealand, realisation of this objective has been mixed. The most recent review of the transport sector concluded that, "there has been an on-going concern that [the transport sector] is...not delivering fully on the Government's wider agenda e.g. economic transformation and sustainability" (SSC, 2007: 3). It is clear that the incorporation of environmental and sustainability principles into transport planning and decision-making has been particularly challenging and that scope exists for improvement in this area in New Zealand.

## 3. SEA in New Zealand

As noted earlier, there is no legislative mandate for SEA in New Zealand and the term is not found in any New Zealand legislation. Moreover, practical experience and familiarity with SEA amongst planners and policy-makers are still extremely limited (Dixon, 2002). However, although New Zealand practitioners have largely overlooked SEA, there has been much research interest in the concept over the years. The majority of that research has focused on the Resource Management Act 1991 (RMA) and the degree to which SEA principles are reflected in this legislation and its implementation. While practice under the RMA involves extensive use of EIA in a regulatory capacity, any requirement to consider the environmental impacts of policies and plans prepared under this act is much more implicit than explicit.

The nature of SEA within the RMA has been characterised differently by various commentators, although most agree that it provides possibilities for SEA, rather than a direct mandate (Dalal-Clayton and Sadler, 2005; Dixon, 2002, 2005; Fischer, 2007; Fookes, 2000; Jackson and Dixon, 2006; Ward et al., 2005a; Wilson and Ward, 2011; Wood, 2003). Jackson and Dixon (2006) undertook a comparative study of SEA in Scotland and New Zealand, using an adaptation of the Glasson and Gosling (2001) typology to characterise SEA practice in both countries. Their investigation in New Zealand focused on whether the RMA's appraisal process shows elements of an incremental or holistic approach to SEA. They closely examined the process used to develop the Waitakere City District Plan (WCDP), which is recognised as one of the best examples of environmental effects-based plans in New Zealand. It was found that this process could not 'be seen, by itself, as a reliable form of SEA' and it was concluded that SEA practice under the RMA 'appears to reflect an incremental form of assessment' (2006: 98). This conclusion should be interpreted cautiously however and does not indicate that SEA, as a formal tool, was used in the preparation of the WCDP. It is clear that practice under the RMA provides possibilities, rather than a direct mandate, for the use of SEA (Dixon, 2002).

<sup>3</sup> EIA is more commonly known in New Zealand as AEE, which refers to an 'assessment of environmental effects'.

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