

## Bridging the divide between theory and guidance in strategic environmental assessment: A path for Italian regions



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### ABSTRACT

Clear and effective legislation is a requisite to bring sustainable development from theory into practice. This paper develops a methodology to investigate how Italian regional legislation disciplines the use of Strategic Environmental Assessment (SEA), the procedure used in the European Union (EU) to pursue sustainable development of policies, plans, and programs (PPPs). Our case study is the Italian regional level, examined to identify eventual flaws and areas for improvement for each regional legislative framework. For this purpose, this study refers to a selection of analytical criteria recurring in the international debate on sustainability assessments. Statistical multi-dimensional analysis is used to identify Italian regions with similar SEA legislation. We recognize four taxonomies, depending on the way regional legislation provides information about i) legislation and guidelines, ii) integration between SEA and PPPs, iii) sustainability goals, iv) technical organization, v) participatory organization, and vi) monitoring. The results suggest that Italian administrators should cooperate to improve legislation at the regional level. Acknowledging the institution-centred nature of SEA, this methodology could drive the EU to better support SEA development in countries with diversified traditions.

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### 1. Introduction

Clear and effective legislation is an essential requirement for successful Strategic Environmental Assessment (SEA). SEA is a ‘family of tools’ (Partidário, 2000, p. 655) widely used to translate sustainable development goals into a broad range of policies, plans and programs (e.g. art.3, paragraph 2, (a) letter of Directive 42/2001/EC), including urban and regional planning practices (Fischer, 2003; Pope et al., 2004).

At present SEA presents a double and antithetic scenario, identifiable as ‘the paradox of progress and performance’ (Sadler and Dusík, 2016). This lack of connection between advancement in methodologies and the persistent implementation struggles depends on two issues. First, SEA needs to be designed for a variety of contexts and applications (Partidário, 2000), since it is used to assess the sustainability of diversified policies, plans and programs (PPP). As a consequence, SEA proliferates in many forms thus increasing the difficulties for users (Bina, 2007). Second, the awareness and sensitivities of institutional frameworks are crucial because regional policy-making differs in terms of structure and competences. This affects decision-makers and the organization of assessment procedures which in turn influences SEA design and implementation (Hilding-Rydevik and Bjarnadóttir, 2007; Kørnøv and Thissen, 2000). These conditions suggest that blueprint solutions should

be avoided, and that the development of legislation and guidelines should be based on regional and local contexts and the definition of the required tasks (Brown & Thérivel, 2000; Partidário, 2000). The struggle to provide tailor-made SEA legislation and guidelines directly affects its implementation. Paradoxically, SEA is performing as a non-strategic tool, failing “on its inherent promise” (Bidstrup and Hansen, 2014, p. 34). Though SEA is at risk of sharing the destiny of other impact assessments as “marginalisation and or even extinction [...] in the name of efficiency”, its efficacy could be improved with radical changes in legislation (Morrison-Saunders et al., 2014, p. 7). This scenario seems unlikely, since International organizations repeatedly issue reports and guidelines to foster SEA development and implementation especially in developing countries (Dusík, 2001; World Bank, 2005; World Bank et al., 2011). However, the context-related nature of SEA suggests that bridging the gap between theory and practice requires not only international initiatives (Lobos and Partidário, 2014), but also analytical reviews of the existing national and regional legislation (Ahmed and Fiadjoe, 2006; Dalal-Clayton and Sadler, 2014). This paper investigates how legislation connects the theoretical goals of SEA with its practical application to urban and regional plans.

Assuming that laws and guidelines connect sustainability assessment theorists and practitioners (Pope et al., 2013), the EU and Italy in particular represent an excellent case study for how national legislation complies with the SEA Directive n.42/2001 of the European Commission (Dalal-Clayton and Sadler, 2005). This claim is based on the following three factors. First, the gap between supranational goals and

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Italian local practice is amplified by the existence of regional SEA legislation, which multiplies the number and type of procedures. Second, Italy deserves attention as it has been marginalized in the scholarly debate and excluded by most of the international comparative studies on how SEA is performing (e.g. Dalal-Clayton and Sadler, 2014; Jones et al., 2005a, 2005b). Third, focusing on Italy offers a chance to investigate the gap between the southern European countries, with poor sustainability assessment traditions, and the northern ones with better procedures (Gazzola, 2008). The fragmentation of Italian governance (Servillo and Lingua, 2014) has resulted in a variety of regional protocols (see Fig. 1). Thus a comparative exploration of these protocols can benefit our understanding of how SEA has been transposed in regional legislation “under the influence of the EU territorial governance agenda” (Cotella and Janin Rivolin, 2011, p. 42).

Acknowledging the gaps between SEA theory and practice, we contribute by focusing on regional legislation for two reasons. First, the regional scale is the most relevant in the Italian framework because statutory plans are delivered by the same regional bodies that develop legislation on planning and SEA. Second, regional legislation is considered as an intermediate step between the theory proposed at European and national level, and the practice delivered by local councils. Because of this and acknowledging a lack of regional legislative benchmarking, this paper provides an analysis of the guidance, but not the implementation of SEA. We prioritize the investigation of the problems (what local councils are provided to deliver SEA) affecting Italy, not on the symptoms (the SEA reports delivered). This study advances our understanding of SEA protocols in the Italian context and enriches the methodologies used to assess regional legislative frameworks by using factor and cluster analysis.

The main purpose of the paper is to analyse regional SEA legislation in Italy to determine common issues undermining regional SEA guidance. In a scenario of limited resources allocated to SEA development (personnel, finance, management, skills), bringing together several regions to work collaboratively on common issues could facilitate ‘learning by doing’ processes based on joint efforts. At a time when Italian public administrations are lacking resources, more collaboration could be the key to moving the SEA capacity-building process forward. Furthermore, a process of joint collaboration could raise awareness on the need to improve existing SEA procedures, and hence overcome the current reliance on sporadic virtuous behavior by regional and local administrators.

Methodologically, the paper is structured in two parts. First, we develop a set of analytical criteria to examine and benchmark the legislation in each region. This task is based on the literature and existing studies analyzing and comparing SEA legislation. Second, we categorize regions with similar characteristics, noting their differences and similarities using correlation analysis, factor analysis and cluster analysis. The

results provide an insight of how Italian regions could improve their legislation and overcome common issues.

This paper has six sections, the first being the introduction. The second outlines a preliminary literature review of existing SEA studies within the Italian national framework. This part of the paper illustrates the thematic areas and analytical criteria used for our analysis. The third section presents the methodology of this study, explaining the methods and the criteria used for our analysis. The fourth section illustrates the multivariate process. The fifth section presents the results and the discussion of our findings, with the definition of four SEA categories. In the sixth part we conclude by discussing how this paper advances knowledge on SEA.

**2. The literature review**

Numerous studies have analysed how SEA is performing in Italian regions. Many of these examinations found that local municipalities struggle to develop an SEA report, the document that provides the final results of the SEA procedure. These struggles include a range of issues affecting key areas of SEA, such as ‘sustainability, participation and innovative tools’ (Pira, 2012). Specifically, investigations have outlined issues in the alignment of local plans to overarching planning documents (De Montis et al., 2014), the use of geographical information (Floris and Zoppi, 2015), and the correct organization of the participatory process within SEA (Isola and Pira, 2012). Similar issues emerge from studies undertaken in several Italian regions, at the municipal, provincial and regional scale. These studies outline: 1) the need for better indicators and mitigation measures to achieve effective integration of sustainability principles into SEA (Lamorgese and Geneletti, 2013); and 2) a fragmented scenario where each region relies on a specific legislative background (De Montis, 2014). Because of diversified laws and guidelines within the Italian regions, we suggest that further comparative studies on the implementation of SEA could provide more insight by acknowledging features characterizing each regional legislation. Our literature review reveals that few recent studies have analysed the status of SEA legislation within Italian regions (Besio et al., 2013; MATTM, 2011a, 2011b, 2013). These existing studies appear to be more of a synthesis of the regional legislative scenarios than an organized comparative analysis outlining how regional legislation addresses the features that make SEA work.

The review of publications and reports released at national level is done in conjunction with an analysis of National Decree n. 152/2006, the document introducing the European Directive 42/2004 EC in the Italian legislation. Some of the issues currently affecting the development of regional SEA procedures can be traced back to the way the National Decree implemented the contents of the European Directive, as outlined in 2006 by a group of the Italian Institute of Urban planners

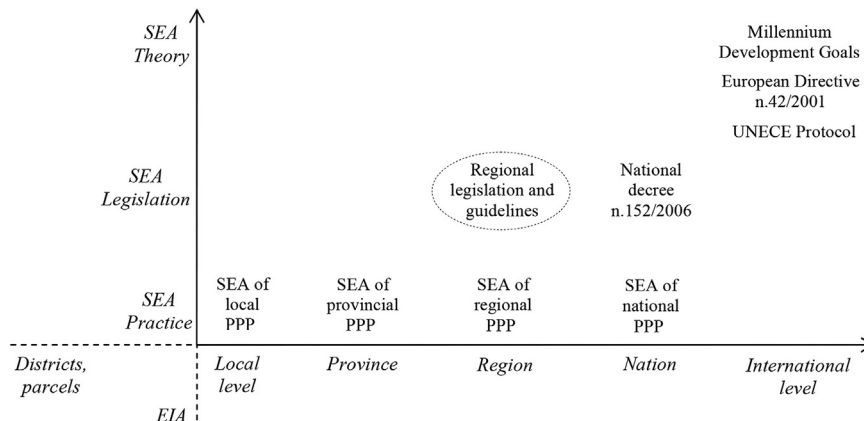


Fig. 1. Regional SEA and its relationship to the Italian planning and sustainability assessment system.

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