Tiering of Environmental Assessment in spatial planning: Analysis of two case studies on and offshore

PRACTICE NOTE

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This report and its contents are an expression of the authors' knowledge and conclusions and do not necessarily represent all BioValue partners.

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2. Introduction: Tiering within EA and relevance for spatial planning

Recognizing that spatial planning takes place across different governance levels poses the question of how and to what extent these different levels interact in order to produce coherent and embedded planning. Environmental assessment (EA) has the potential to support coherence through spatial planning, by cascading information about potential impacts, their significance, how to mitigate them, etc., onto the different levels of planning and ultimately securing their presence in decision-making. The 'communication' between levels within EA, more formally referred to as tiering, is the "*deliberate, organized transfer of information and issues from one level of planning to another*..." (Arts et al. 2011, p.417) and can help determine the extent to which the strategic levels of assessment, namely strategic environmental assessments (SEAs), 'communicate' with lower-tier assessments of projects, namely environmental impact assessments (EIAs). Thus, this report explores the extent of tiering within EA reports related to spatial planning, with particular attention to what insights regarding biodiversity are tiered through the planning process.

Although there is a consensus amongst EA academics that tiering is significant for allowing "...*the right issues to be considered at the right time*" (Therivel & González 2021, p. 1) and ensuring that "*different assessments... build on and complement each other*" (European Commission 2013, p.17) then there is still little research on its presence in practice. This study highlights illustrative examples that demonstrate current practices of tiering in Danish EA practices with the purpose of uncovering how tiering can be leveraged as an approach to support biodiversity efforts and inclusion of biodiversity matters in decision-making. It consists of two case studies designed to examine the tiering of biodiversity contents between different planning levels and their corresponding EAs. The first case study illustrates spatial planning onshore, referring to a Municipal Plan and subsequent plans and projects. The second case study concerns spatial planning at sea. In Denmark, spatial planning at sea was granted attention in 2021, with the country's first Maritime Spatial Plan providing comprehensive and holistic planning for the entire Danish marine area.

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3. Applied methodology

The following chapter describes the methodology in terms of identifying relevant EA reports on both SEA and EIA levels, followed by the three analyses, i. identifying the direction of the tiering (whether it moves from SEA to EIA or vice versa), ii. identifying the strength of tiering (whether tiering is implemented or disrupted), and iii. the subject of the tiering (what information is being tiered).

3.1. Identification of reports

The study draws upon two cases of spatial planning – one regarding municipal planning and corresponding projects on land (onshore) and another on spatial planning at sea (offshore). The reports were found using the digital report repository, EA-Hub.

Tiering onshore
The case concerned with tiering onshore draws upon spatial planning within the municipality of Skive in Denmark, which is classified at the Local Administrative Unit (LAU) level 2. The analysis investigates the Municipal Plan and lower-level SEA and EIAs Table 1 shows the levels of planning involved in the case, along with the associated reports.

Table 1 Planning levels and related EA reports in the onshore tiering case.

Level	*Title of report*	*Year*
Higher-level SEA	SEA of Skive Municipal Plan 2016-2028 (*Miljøvurdering af Skive Kommuneplan 2016-2028*)	2016
Lower-level SEA	SEA of the Framework Local Plan 272 for GreenLab Skive (*Miljøvurdering af Rammelokalplan 272 for GreenLab Skive*)	2016
Lower-level SEA and EIA	EIA for Skive GreenLab Biogas Aps and SEA of Proposal for local plan 275 – Biogas plant at Kåstrup (*"VVM-redegørelse for Skive GreenLab Biogas Aps" samt "Miljøvurdering af forslag til lokalplan 275 - Biogasanlæg ved Kåstrup"*)	2017

Tiering offshore
The case concerned with tiering offshore looks first and foremost at the recent SEA of the Maritime Spatial Plan (MSP). Because this strategic plan is made after several lower levels of planning have been implemented in the area, there are several lower-tier SEAs and EIAs that have been conducted prior to the implementation of the MSP but occupying the same area. Instead of finding preselected EAs as was done with the land-based analysis described above, this analysis was more inductive, starting with the SEA of the MSP and finding the lower-tier SEAs and EIAs it references. Doing so provided a better understanding of how a more retroactive strategic planning document is informed by and uses lower-tier planning levels.

Table 2 Planning levels and related EA reports in the offshore tiering case.

Level	*Title of report*	*Year*
Higher-level SEA	SEA of proposed amendments to the Danish Maritime Spatial Plan (*Miljøvurdering af forslag til ændring af Danmarks Havplan*)	2023
Related EA reports referenced in the SEA of the MSP		
Lower-level SEA	Geological storage of CO_2 on land and near the coast. The Energy Ministry environmental report for the environmental assessment of the plan for areas for CO_2 storage (*Geologisk lagring af CO_2 på land og kystnært Energistyrelsen miljørapport for miljøvurdering af plan for områder til CO_2 lagring*)	2023
Lower-level SEA	Plan for urban development and infrastructure for Østhavnen, including Lynetteholm. Environmental report – Strategic Environmental Assessment. *(Plan for byudvikling og infrastruktur til Østhavnen, herunder Lynetteholm. Miljørapport – Strategisk Miljøvurdering.)*	2022
Lower-level SEA	Natura 2000 significance assessment of plan for urban development and infrastructure for Østhavnen, including Lynetteholm. *(Natura 2000-væsentlighedsvurdering af plan for byudvikling og infrastruktur til Østhavnen, herunder Lynetteholm.)*	2022
Lower-level SEA	Natura 2000 impact assessment of the plan for urban development and infrastructure for Østhavnen, including Lynetteholm. *(Natura 2000-konsekvensvurdering af plan for byudvikling og infrastruktur til Østhavnen, herunder Lynetteholm.)*	2022
EIA	Lynetteholmen – Environmental Impact Assessment Report *(Lynetteholm - Miljøkonsekvensrapport.)*	2020
EIA	Lynetteholmen – Natura 2000 Significance assessment. *(Lynetteholm – Natura 2000-væsentlighedsvurdering.)*	2020
EIA	Urban development of Stejlepladsen. Environmental impact report. Report to the development company Stejlepladsen. *(Byudvikling af Stejlepladsen. Miljøkonsekvensrapport. Rapport til Udviklingsselskabet Stejlepladsen.)*	2020
EIA	Krieger's Flak Offshore Wind Farm. Marine Mammals. EIA Technical Report. *(Kriegers Flak Offshore Wind Farm. Marine Mammals. EIA-Technical Report.)*	2015
EIA	Bornholm Offshore Wind Farm. EIA statement. Part 2: The marine environment *(Bornholm Havvindmøllepark. VVM-redegørelse. Del 2: Det marine miljø)*	2015
EIA	Bornholm Offshore Wind Farm. EIA statement. Part 2: The marine environment *(Bornholm Havvindmøllepark. VVM-redegørelse. Del 2: Det marine miljø)*	2015

There are two reports that could not be identified as the SEA of the MSP merely mentions them without citing the report. This includes an EIA for an offshore wind farm that includes the collection of marine mammals and a screening of a test facility for wave energy that determined that no EIA was necessary.

3.2. Direction of tiering

The insights that are being tiered can travel in different directions throughout the planning levels. They can be tiered 'up' in which insights travel from lower tiers to higher tiers and tiered 'down' in which insights travel from higher tiers to lower tiers. They can also be 'delegated', in which data collection, assessments, mitigation measures, etc. are assigned at one level of planning to another. Lastly, 'horizontal' tiering refers to the integration of other planning documents not necessarily related to spatial planning. The instances of tiering identified through the reports for both case studies were analysed according to the tiering direction they exhibit in relation to planning and EA structures. Figure 1 shows how these directions are represented in the analysis figures in Chapters 4 and 5.

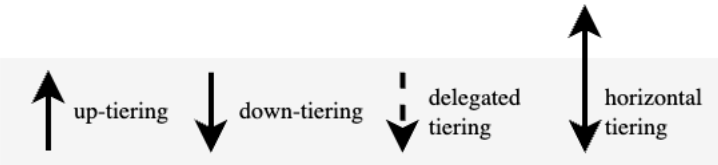

Figure 1 The directions of tiering.

3.3. Strength of tiering

The strength of tiering in this study differentiates between how explicit the tiering is established and whether it is successfully achieved or somehow disrupted along the way. The strength of tiering has been appointed as *strong, weak* and *disrupted* tiering. These are represented visually in the analysis figures by coloured arrows. The green arrows represent strong tiering in which tiering is explicit stated and clearly refers to higher- or lower-tiered EAs. The yellow arrows show weak tiering examples in which the tiering is not explicitly mentioned, but the contents of the reports can be interpreted as tiering between EAs. The red arrow shows disrupted tiering, in which tiering is not successfully implemented.

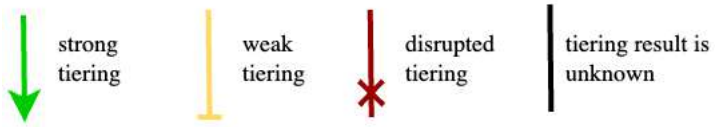

Figure 2 Strengths of tiering.

Subject of tiering

Each report was reviewed in terms of the content being tiered. The 'content' from the EA reports was divided into the following categories described in Table 4. The questions provided are those used to determine the direction of tiering.

Table 3 Categories of tiered content in EA reports and guiding questions for determining tiering directions.

Themes	Questions
Data	Does the lower-tier EIA/SEA repeat the higher-tier SEA data or refer to the higher-tier SEA for those data? Does the EIA/SEA repeat horizontal-tier SEA data?
Alternatives	Is there any indication of alternatives having been scoped out at the higher-tier SEA stage? Do the alternatives considered in the lower-tier EIA/SEA clearly 'tier down' from the alternatives considered in the higher-tier SEA?
Assessment	Does the higher-level SEA delegate assessments to a lower-tier SEA/EIA?
Mitigation	Does the lower-tier EIA/SEA refer to mitigation measures set by higher-tier SEA? Does the higher-tier SEA set requirements for mitigation measures at lower-tier EIA? Does the SEA set requirements for mitigation measures at horizontal-tier EIA?
Enhancement	Does the higher-level SEA identify potential for enhancement and require/suggest lower-tier SEA and EIA to address these?
Cumulative impacts	Does the higher-level SEA identify cumulative impacts and require/suggest lower-tier SEA and EIA to address these?
Monitoring	Does the monitoring section refer to or duplicate higher-tier SEA monitoring measures? Does the monitoring section set requirements for monitoring in future EIAs?

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4. Results – Onshore tiering

This chapter shows the analysis results pertaining to the EAs on land, referring to tiering between the SEA of the Municipal Plan, the SEA of the Framework Local Plan, and the combined SEA of the Local Plan and EIA of the Biogas project. The results are divided into the different subjects of tiering accompanied by a figure illustrating the contents of what is being tiered.

4.1. Data

Data from the higher-level SEAs are effectively used in lower-tier SEAs and EIA. Specifically, the collection of data on protected species is delegated through the SEA of the Municipal Plan, which is then successfully carried through at the lower-tier SEA level. The data is subsequently integrated into the combined SEA and EIA, where it plays a crucial role in defining baseline conditions and determining potential impacts.

Furthermore, the combined SEA and EIA draws upon mappings of existing nature areas, including the presence and conditions of streams, ponds and meadows, established through the SEA of the Framework Local Plan. These mappings support a detailed understanding of the environmental context at lower planning levels. Lastly, the SEA of the Framework Local Plan uses an external assessment stating that the local streams are in poor condition and are not suitable as habitats. This assessment is directly referenced in the combined SEA and EIA, highlighting how findings from higher-tier assessments are explicitly carried forward to substantiate conclusions at the project level.

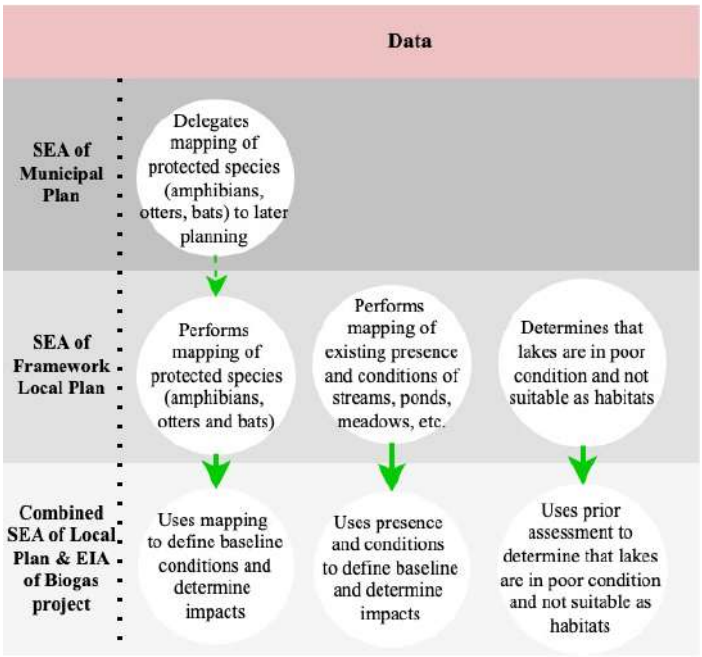

Figure 3 Flow of data and delegation from higher to lower-tier SEA and EIAs in municipal spatial planning.

4.2. Alternatives

The tiering process is explicit considering the identification and assessment of alternatives, as the lower-tier SEAs and EIA clearly mention that the alternatives considered are based on earlier decisions made in the higher-tier SEAs. This concerns the consideration of different criteria, referring to GreenLab and constituent projects, including the location of a biogas plant, the location of transportation infrastructure, alternative energy systems, natural gas pipelines, etc., in which alternatives considered throughout the SEA of the Municipal Plan trickle down to the SEA for the Framework Local Plan and lastly, to the combined SEA and EIA for the Local Plan and Biogas project.

Furthermore, the SEA for the Municipal Plan draws upon alternatives originally mentioned in an external Biogas Plan. For another component of the plan, namely the construction of wind turbines, different alternatives and corresponding criteria are also explored in the SEA of the Municipal Plan and successfully trickle into the SEA of the Framework Local Plan. The combined SEA and EIA concern the Biogas plant and does therefore not plan for the same area as occupied by the wind turbines, and whether the alternatives and criteria are used again in the project-level is unknown.

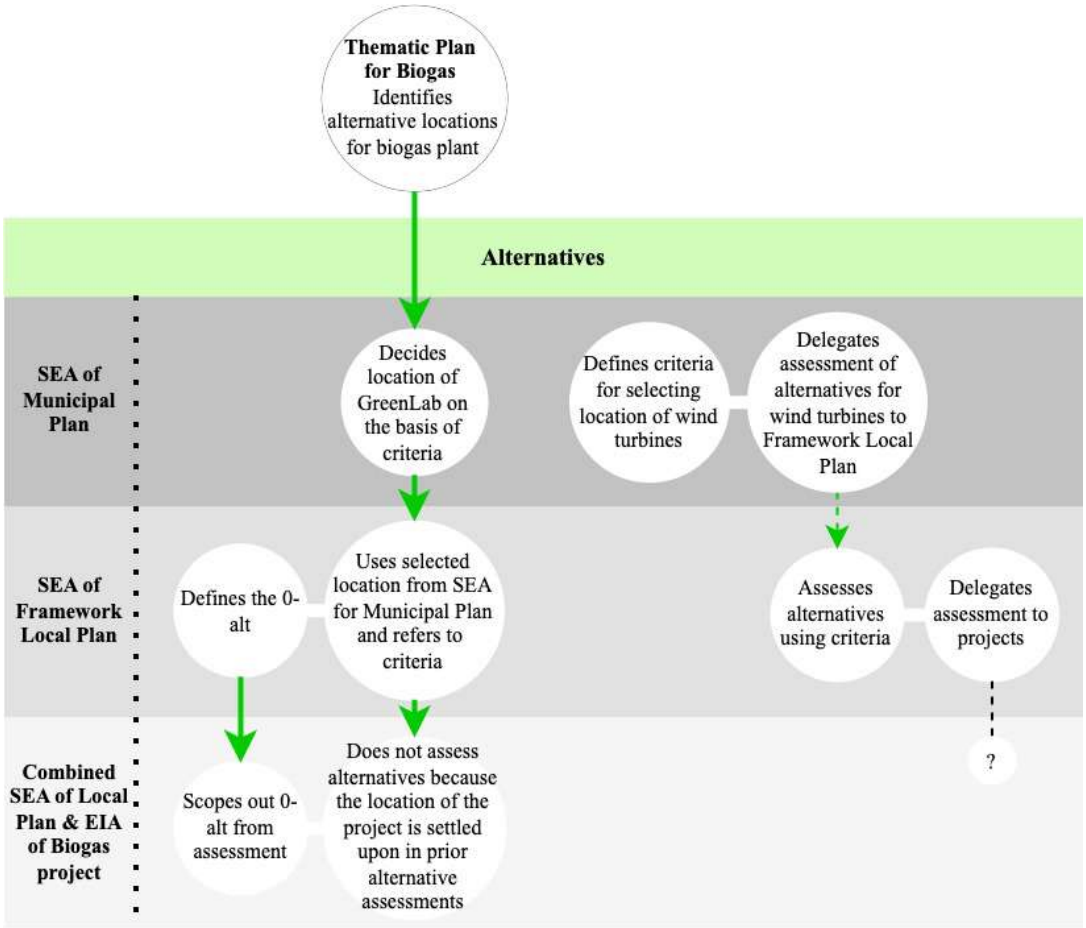

Figure 4 Tiered approach to alternatives identification and assessment across planning levels.

4.3. Assessment of impacts

The assessment of impacts concerning impacts on protected species, in this case, bats, as well as the conditions and quality of nature areas, including meadows, streams and ponds are assigned at the higher-tier SEA. The SEA of the Framework Local Plan makes an assessment on bats, determining that the plan area is not at high risk as a habitat for bats, as well as on the conditions of the nature areas, determining that the ponds and lakes are not suitable as habitats. Additionally, the SEA of the Framework Local Plan also concludes that no ponds will need to be removed in the area and that any lakes that are potentially decommissioned will not have an impact on amphibian populations. The project level directly references the assessments made in the SEA for the Framework Local Plan and generates new assessments regarding pollution of surface water. but does not generate supplementary detailed assessments as otherwise delegated.

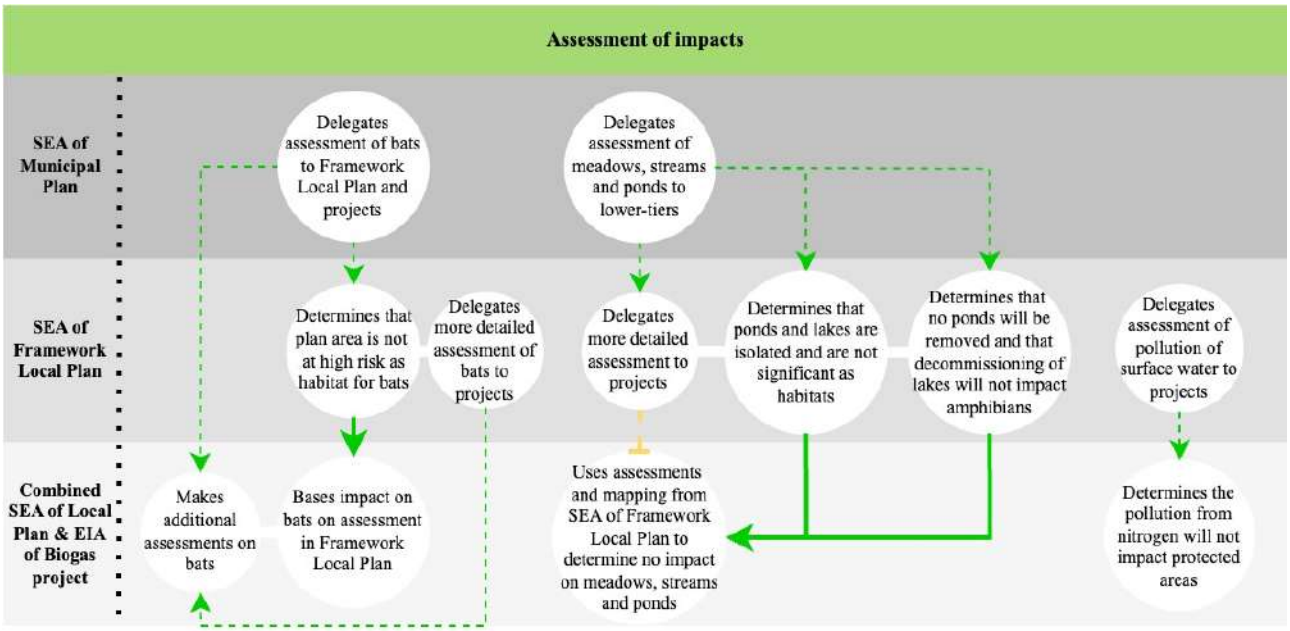

Figure 5 Assessments of impacts across tiered planning levels.

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4.4. Cumulative impacts

The identification of cumulative impacts begins with the SEA for the Municipal Plan, which provides a list of potential cumulative impacts pertaining to the plan and leaves the identification of relevant mitigation measures up to later levels of planning and project development. The SEA of the Framework Local Plan recognizes these proposed impacts and assesses them to be positive, which then means that no mitigation measures are proposed. The implementation of the positive cumulative impacts is granted to a non-mandatory Nature Plan for the planned area. The Nature Plan falls outside the scope of this study. Albeit, due to another research project, it is known that the nature development – considered as enhancement and biodiversity positive measures – was implemented. The combined SEA for the Local Plan and EIA for Biogas project makes no mention of the cumulative impacts originally identified by the SEA for the Municipal Plan, nor of cumulative impacts on bats otherwise requested by the SEA of the Framework Local Plan.

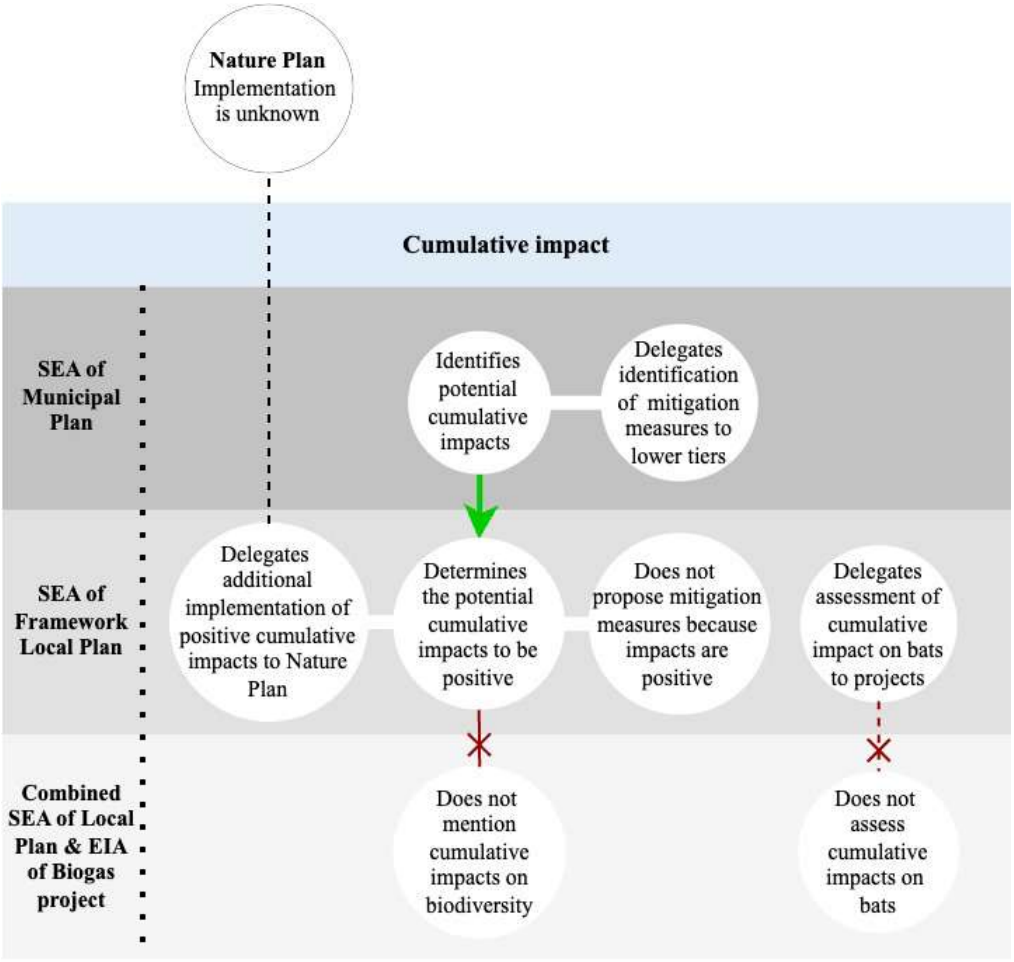

Figure 6 Tiered assessment and delegation of cumulative impacts cross planning levels.

4.5. Mitigation measures

Proposed mitigation measures are successfully tiered from the higher-level SEAs to the lower-tier EAs. The SEA of the Municipal Plan secures rivers, meadows and wildlife corridors as construction-free zones and the SEA for the Framework Local Plan both secures the construction-free zone and establishes a buffer zone around the protected nature areas, including around rivers as habitat for otters. The combined SEA and EIA takes mitigation measures into account, but because the project area does not interfere with protected areas, deems the construction-free zones and buffer zones irrelevant for the project. It is uncertain as to whether other EIAs for which the protected areas are more pertinent have implemented the measures.

The SEA of the Municipal Plan states that the restoration and improved quality of surface waters as well as the replacement of impacted ponds and lakes should be addressed in the Framework Local Plan and projects. The SEA of the Framework Local Plan in turn states that measures to reduce the risk of pollution to rivers as well as the replacement ponds and lakes should be addressed on the project-level, and the project-level deems no impact on the areas and as such, that mitigation measures are unnecessary. Mitigation measures concerning bats and their habitats (e.g. mapping of existing habitats and species, establishing protection of and the development of new resting and breeding areas) is tiered from the SEA of the Municipal Plan to the SEA of the Framework Local Plan and is further assigned to the project-level, which concludes that the project area is not at high risk as habitat for bats and does consequently not propose any mitigation measures. Lastly, maintenance of vegetation is not mentioned in neither the SEA of the Framework Local Plan nor the combined SEA and EIA, despite being proposed in the SEA of the Municipal Plan.

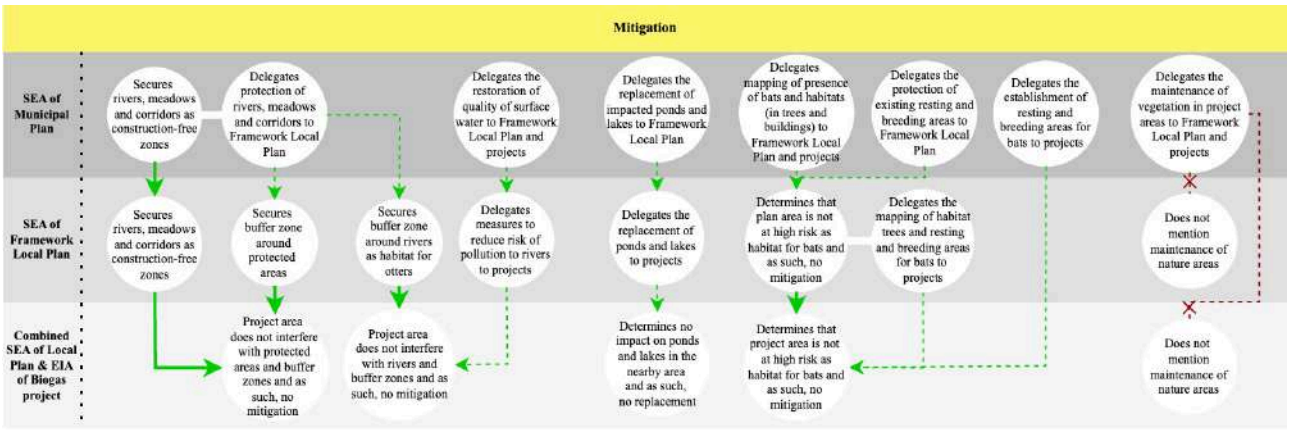

Figure 7 Delegation and implementation of mitigation measures across different planning levels.

4.6. Enhancement measures

Enhancement measures are first presented in the SEA for the Municipal Plan, proposing that the plan area has potential for improving the connectivity of nature areas, such as meadows, pastures, forests and wetlands. The same potentials for enhancement are again mentioned in the SEA for the Framework Local Plan but it does not make mention of the strategic location of replacement ponds for the purpose of connectivity. Another enhancement example is the delegation of enhancing the quality of streams to lower planning and project levels. The combined SEA and EIA, while concluding that the streams are of bad quality, does not propose measures to enhance them.

Furthermore, the SEA of the Municipal Plan also expresses a need to regard external plans, namely the River Basin Management Plan and the Municipal Action Plan, when enhancing the quality of the river. This reference underscores the potential for horizontal tiering, linking internal planning goals with broader environmental frameworks to achieve cohesive enhancement outcomes. Nevertheless, the project level opts out of implementing the enhancement measure and does not, as a result, regard the Management and Action Plan.

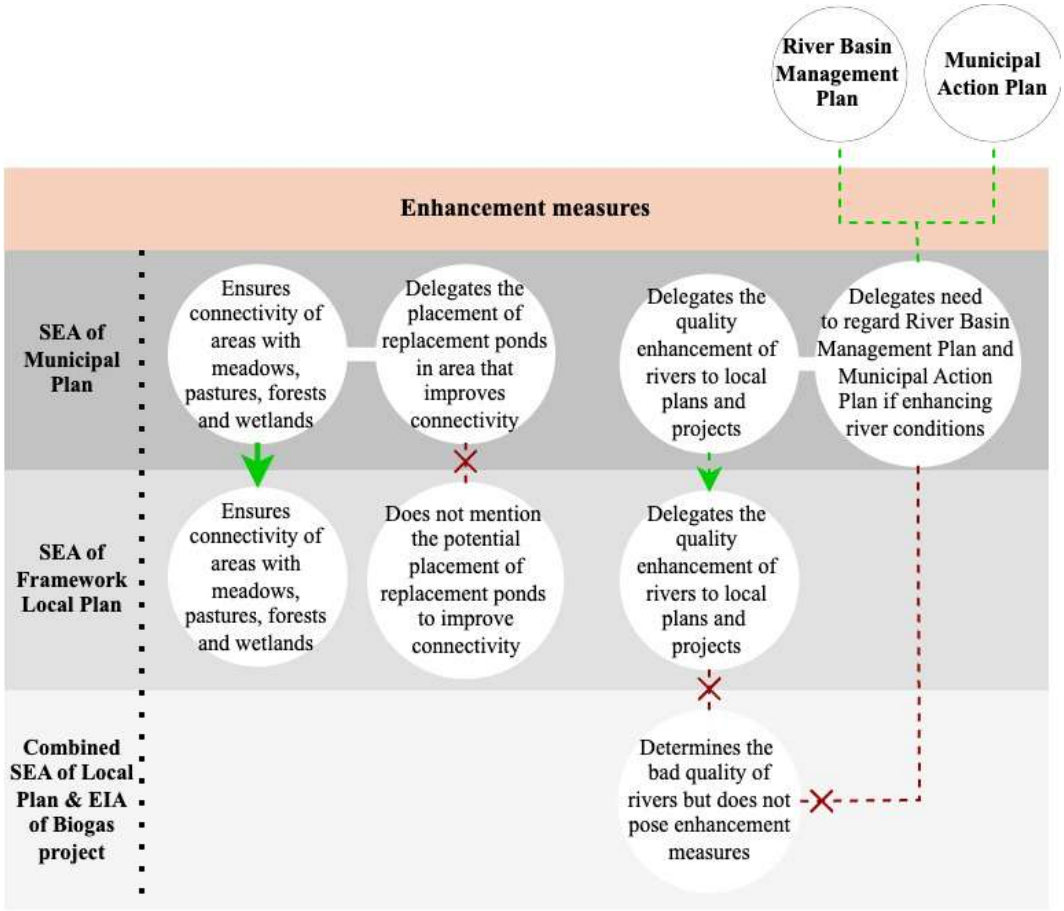

Figure 8 Delegation and implementation of enhancement measures across tiered planning levels.

4.7. Monitoring

The SEA of the Municipal Plan proposes monitoring initiatives (although not related to biodiversity) and states that the decision to implement the appropriate monitoring should be done at lower tiers, where the impacts are assessed. The SEA of the Framework Local Plan refers to these same monitoring initiatives as presented in the higher-tier SEA and proposes an additional measure for monitoring the presence of bats. While the SEA of the Framework Local Plan concludes that the area is not at high risk as habitat for bats, it proposes monitoring for the presence of bats to supplement the current data. It further delegates the decision of which monitoring measures should be implemented to project levels. The combined SEA and EIA, while assigning monitoring measures for various impacts, does not assign biodiversity-related monitoring measures for bats. Although not explicitly stated, it is most likely because the project area is not determined at high risk as habitats for bats and that bats will not be prevented from using the area during the operation of the Biogas plant.

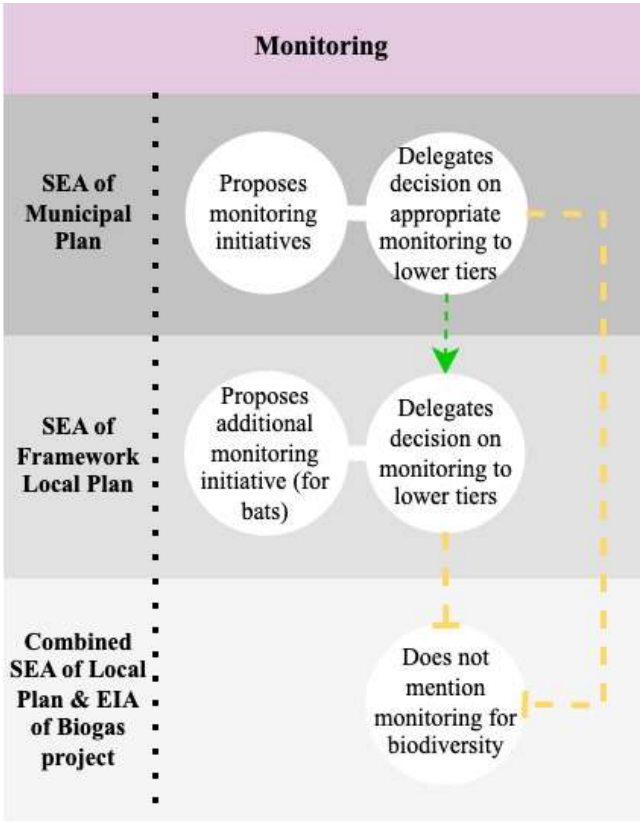

Figure 9 Delegation and implementation of monitoring measures across different planning levels.

5. Results – Offshore tiering

This chapter shows the analysis results pertaining to tiering offshore, referring to the insight from lower-tier EAs that the SEA of Denmark's first Maritime Spatial Plan draws upon. The results are divided into the different subjects of tiering accompanied by a figure illustrating tiering subjects.

5.1. Data

The SEA of the MSP draws upon several EIAs regarding the use of data to inform impact assessments. The data from the project level is firstly data regarding similar project types as those proposed within the MSP area and is therefore a transfer of knowledge regarding how biodiversity is impacted by different activities and assist in being able to assess potential impacts. In this case, the EIAs do not necessarily need to concern areas now occupied by the MSP. Secondly, it is data regarding the presence of various species within the MSP area, identified through EIAs for projects now enclosed within the MSP. Concerning the former, the SEA of the MSP uses observations from an EIA from 2015 assessing impacts of an offshore wind farm to draw conclusions regarding the flying height of cranes around wind turbines and that they will not be impacted by the construction of wind turbines in the plan area. The SEA for the MSP also to noise calculations made for an EIA for a new highway in an area not associated with the MSP, which are used to conclude that seabirds near the highway proposed as part of the MSP will inevitably be impacted by noise levels. Regarding former EIAs for projects that are now within the MSP area, the SEA refers to an EIA that has registered bats in the area and another that, using acoustic stations, has detected porpoises in the area. This data on the presence of bats and porpoises are used to describe baseline conditions for the MSP.

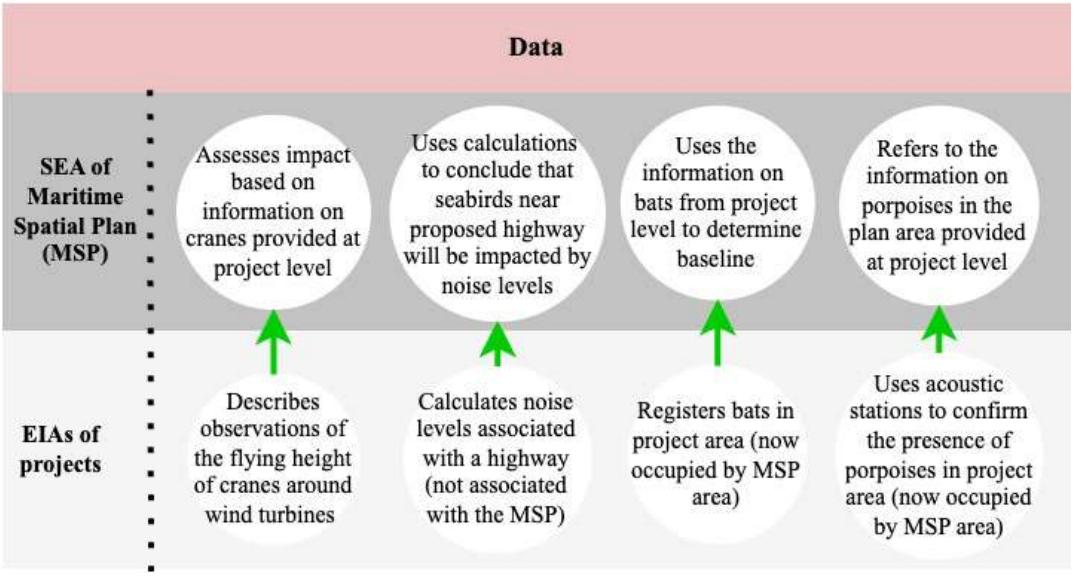

Figure 10 Up-tiering of data across different planning levels.

5.2. Assessment of impacts

When assessing impacts, the SEA of the MSP also draws upon prior assessments made in either lower-tier SEAs or EIAs. An SEA from 2023 has pointed out and assessed impacts of 3 marine areas for carbon capture that are now encapsulated by the MSP and deemed that these marine areas will bring about fewer impacts than the terrestrial carbon capture areas. This assessment is used in the SEA for the MSP to determine impacts for carbon capture on these three areas. When assessing impacts of a land reclamation project, the SEA of MSP also directly refers to 3 SEAs and 2 EIAs previously conducted for the reclaimed land, some of which are assessments performed specifically for protected areas (Natura 2000). While not specifying which assessments are made in which report, the SEA of MSP explicitly adopts these same assessments to conclude that the MSP will not impact protected areas significantly.

The last example concerns a screening on the project level, which determines that a projected test facility for a wave power plant does not require an EIA. The SEA of the MSP uses this screening to conclude that the power plant will not have significant impacts.

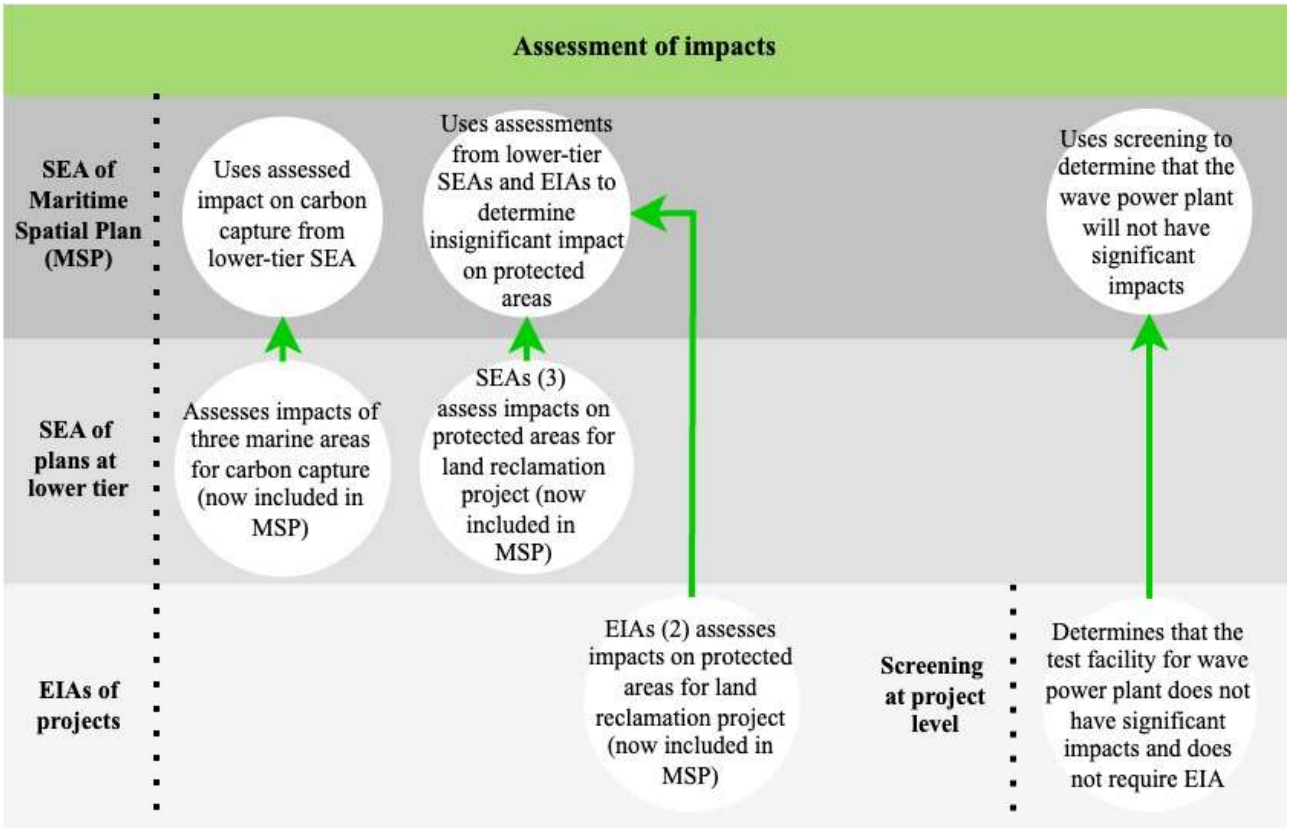

Figure 11: Up-tiering of assessments across different planning levels.

6. Conclusion

This report summarizes the main findings regarding current tiering practices on the basis of two case studies in Denmark. The first case concerns EAs for onshore spatial planning (an SEA for a Municipal Plan and subsequent plans and projects) while the second case concerns EAs for offshore spatial planning (an SEA for a Maritime Spatial Plan and associated plans and projects). The findings demonstrate that tiering takes place in both case studies. Onshore EAs pass insights regarding data, alternatives, assessment of impacts, mitigation measures, enhancement measures, cumulative impacts, and monitoring initiatives between the planning levels. In the EAs at sea, it is solely data and the assessment of impacts that are passed from the lower-tier SEAs and EIAs to the SEA of the Maritime Spatial Plan. This is likely to do with the timing of the planning process itself, in which planning for the onshore EAs was initiated at higher-tier SEA levels with a Municipal Plan, followed thereafter by EA of embedded lower-tier plans and projects. On the other hand, the higher-tier spatial plan was initiated retroactively in the planning process, after the implementation of lower-tier plans and projects.

This report provides detailed insights into the content that is tiered and maps how these insights, assessments, data, etc. travel between planning levels and the accompanying text delves further into describing these tiering circumstances. The findings demonstrate as such that levels of planning do effectively communicate with one another concerning a wide array of topics and The examples provided throughout this report can act as inspiration for EA practices in terms of the content that can be tiered as well as how different EA levels can adhere to one another. Furthermore, it also shows that not all tiering attempts are successful, demonstrating a potential for improvement and that is necessary to be attentive to opportunities for tiering where both relevant and beneficial for aligning EA and spatial planning levels.

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