

European Commission, DGXI, Environment,
Nuclear Safety and Civil Protection

A Handbook on Environmental Assessment of Regional Development Plans and EU Structural Funds Programmes

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Environmental Resources Management
8 Cavendish Square, London W1M 0ER
Telephone 0171 465 7200
Facsimile 0171 465 7272
Email post@ermuk.com
<http://www.ermuk.com>

NOTE TO THE READER

This Handbook has been developed while new regulatory proposals concerning the Structural Funds were proposed by the Commission and transmitted to the Council and Parliament in 1998. It is therefore based on the existing Structural Funds regulatory framework established in 1993 but it does take account of the new general orientations in respect of environmental assessment within the proposed new regulations.

Once the new regulatory base for the operation of the Structural Funds for the period 2000-2006 has been adopted by the Council, any necessary amendments to the Handbook's structure and content will be made as appropriate.

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Glossary

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Glossary

The definitions are adapted from the following sources:

European Commission (1998) Proposal for a Council regulation laying down general provisions on the Structural Funds; R Therivel and M Partidario (1996) The Practice of Strategic Environmental Assessment, Earthscan; Gilpin (1995) Environmental Impact Assessment, Cambridge University Press; Department of the Environment (1991) Policy Appraisal and the Environment, HMSO London.

“Agenda 21”

a document adopted by the UN Conference on Environment and Development meeting (The Earth Summit) in Rio de Janeiro in 1992. The document is a comprehensive action plan for the pursuit of sustainable development into the next century. Agenda 21 recommended the establishment of a new Commission on Sustainable Development (CSD) and called on governments to prepare national strategies for sustainable development. These national documents will often include a review of the state of the environment, economic development and policy responses to ensure that economic activity supports sustainability.

“alternatives”

in the context of SEA alternatives will refer to a range of strategic options which can best achieve the plans and programmes’ objective(s) at the lowest cost and/or greatest benefit to the environment and sustainability, or which achieves the best balance between conflicting objectives. For example: demand reduction, alternative location, different type of development which can achieve the same objective, policy instruments and fiscal measures, etc.

“assistance”

the forms of assistance provided by the Funds, ie:

- operational programmes or single programming documents;
- Community Initiative programmes;
- support for technical assistance and innovative measures;

“biodiversity”

a term which refers to the variety of life on earth. Biodiversity can be described in terms of genes, species and ecosystems. Sustainable development also depends on understanding, protecting and maintaining the world’s many interactive ecosystems;

“carrying capacity”

an approach which enables to assess the maximum impact that a given ecosystem can sustain without being permanently impaired;

“checklist”

itemised list of factors to be considered in the appraisal of a policy;

“Community Support Framework”

the document approved by the Commission following appraisal of the development plan submitted by a Member State and containing the strategy and priorities for action, their specific objectives, the contribution of the Funds and the other financial resources. This document shall be divided into Priorities and implemented by means of one or more Operational Programmes;

“cost-benefit analysis”

a technique for calculating and weighting-up all costs and benefits relating to a particular plan, programme or project. This should include the values of those costs and benefits, some environmental, which have not or will not be reflected by actual payments;

“cumulative impacts”

the impacts (positive and negative, direct and indirect, long-term and short-term impacts) arising from a range of activities throughout an area or region, where each individual effect may not be significant if taken in isolation. Such impacts can arise from the growing volume of traffic, the combined effect of a number of agriculture measures leading to more intensive production and use of chemicals, etc. Cumulative impacts include a time dimension, since they should calculate the impact on environmental resources resulting from changes brought about by past, present and reasonably foreseeable future actions.

“decision maker”

the body or person responsible for deciding whether a plan, programme or measure should proceed. It is normally a function of government;

“Development Authorities”

in this Handbook this refers to all national and regional ministries, agencies and other governmental bodies which have an involvement in the planning and implementation of Structural Funds plans and programmes;

“Environmental Authorities”

in this Handbook this refers to all national and regional ministries, agencies and other governmental bodies responsible for developing national and regional environmental policy and legislation, and which play a role in its implementation and monitoring;

“Environmental Impact Assessment”

a procedure for identifying the environmental effects of development projects; as a result of Directive 85/337/EEC (and 97/11/EEC), this is now a legislative procedure to be applied to the assessment of the environmental effects of certain public and private projects which are likely to have significant effects on the environment;

“Geographical Information System”

computerised database of geographical information which provides a platform for its management, analysis and illustration. By allowing information databases to be associated with real geographic information, GIS provide a powerful analytical tool;

“global warming”

the raising of earth’s temperature by the presence of greenhouse gases (see below);

“greenhouse gases”

a group of gases, including carbon dioxide and methane, which trap long-waved radiated energy in the earth’s atmosphere;

“impact matrix”

in the context of SEA a multi-dimensional array used to show the effects of policy, plans or programmes on the environment;

“impact”

the effect or influence of one thing on another;

“indicators”

baseline indicators - establish the status of key components of the environmental situation of the region (or regions). These indicators should be used to track or monitor trends

performance indicators - on the basis of what is known about the status of the environment from the baseline indicators it is possible to develop performance indicators and targets which can be used to monitor key environmental resources and changes in their status over time. Performance indicators help to measure the achievements of a plan or programme.

impact indicators - are indicators that measure the direct impacts arising from the implementation of a programme or measure. They often take the form of outputs eg the number of companies participating in EMAS.

“irreversibility”

when a potential outcome cannot be reversed, or possibly reversed only at an exceedingly high cost;

“Measure”

the means by which a priority is implemented over several years which enables operations to be financed. Any aid scheme under Article 92 of the Treaty or any aid granted by bodies designated by the Member States is defined as a Measure;

“mitigation”

action taken to prevent, avoid or minimise the actual or potential adverse impacts of a policy, plan, programme or project. It may involve abandoning or modifying a proposal, relocating it, changing the focus from new development to improved performance of existing facilities, etc.

“monitoring”

a combination of observation and measurement for the performance of a plan, programme, or measure, and its compliance with environmental policy and legislation against a set of predetermined indicators, criteria or policy objectives eg compliance with environmental policy;

“Monitoring committees”

a committee composed of Member States representatives, the European Commission, economic and social partners and other partners as appropriate, whose remit is the overall co-ordination of the financial and physical progress of the programme;

“Operational Programme”

the document approved by the Commission to implement a Community support framework and comprising a consistent set of Priorities comprising multi-annual Measures which may be implemented through recourse to one or more Funds, to one or more of the other existing financial instruments and to the EIB. An integrated Operational Programme means an Operational Programme financed by more than one Fund;

“Partnership”

In the context of the Structural Funds the word partnership can refer to two different arrangements:

1) Council Regulation No 2081/93 states at Article 4 (1) that : "Community operations shall be such as to complement or contribute to corresponding national operations. They shall be established through close consultations between the Commission, the Member States concerned and the competent authorities and bodies - including ... the economic and social partner, designated by the Member State at national, regional, local or other level..". These consultations are referred to as the "partnership". Article 4(1) also states that, "The partnership shall cover the preparation and financing, as well as the ex-ante appraisal, monitoring and ex-post evaluation of operations"

2) The Partnership which approves the Community Support Framework and the Single Programming Document is composed of the Commission and the Member States.

“polluter pays principle”

Article 130r (2) of the Maastricht Treaty requires that the polluter should pay for environmental damage. This has become known as the Polluter Pays Principle. Under the Polluter Pays Principle those responsible for pollution must pay the costs of any measures that are necessary to eliminate the pollution or reduce it to legally acceptable levels.

“precautionary approach”

Article 130r (2) of the Maastricht Treaty states that “Action by the Community relating to the environment shall be based on the principles that preventive action should be taken” The precautionary approach is that action should be taken to prevent potential environmental damage rather than relying on conclusive evidence of possible damage or on remediation of damage once it has occurred;

“Priority”

one of the Priorities of the strategy adopted in a Community support framework or assistance package. To it is assigned a contribution from the Funds and other

financial instruments and the relevant financial resources of the Member State and a set of specified targets;

“Programme managers”

national or regional ministries and their designated contractors responsible for developing and implementing Structural Funds Programmes;

“programming”

the organising, decision-making and financing process carried out in a number of stages to implement on a multi-annual basis the joint action of the Community and the Member States to attain the three priority Objectives for Structural Funds proposed in the new draft Regulation;

“Regional Development Plan”

the analysis of the situation prepared by a Member State in the light of the Objectives referred to in Article 1 and the priority needs for attaining those Objectives, together with the strategy, the planned action Priorities, their specific goals and the related indicative financial resources;

“scoping”

an initial stage in the SEA where possible impacts are listed. These are then analysed to see which need further study and at what level;

“Single Programming Document”

a single document approved by the Commission and containing the same information to be found in a Community Support Framework and Operational Programme;

“Strategic Environmental Impact”

‘a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are fully included and appropriately addressed at the earliest stage of decision-making on par with economic and social considerations’ (*Sadler and Verheem (1996) Strategic Environmental Assessment Status, challenges and future directions. Ministry of Housing, Spatial Planning and Environment, The EIA Commission, The Netherlands*).

“target”

a specific goal or objective expressed in quantitative terms. It can be either physical or financial.

“weighting and scoring”

a technique which compares costs and benefits measured in different units by assessing performance against specified criteria, and weighting the results to reflect the relative importance of each criteria.

Acronyms

<i>CBA</i>	Cost-Benefit Analysis
<i>CAP</i>	Common Agricultural Policy
<i>CSF</i>	Community Support Framework
<i>DA</i>	Development Authorities
<i>5EAP</i>	Fifth Environmental Action Plan
<i>EA</i>	Environmental Authorities
<i>EAGGF</i>	The European Agriculture Guarantee and Guidance Fund
<i>EEA</i>	European Environment Agency
<i>EIA</i>	Environmental Impact Assessment
<i>EMAS</i>	Eco Management and Audit Scheme
<i>ERDF</i>	European Regional Development Fund
<i>ESDP</i>	European Spatial Development Perspective
<i>ESF</i>	European Social Fund
<i>EU</i>	European Union
<i>FIFG</i>	The Financial Instrument for Fisheries Guidance
<i>GIS</i>	Geographical Information System
<i>IPPC</i>	Integrated Pollution Prevention and Control
<i>OP</i>	Operational Programme
<i>RDP</i>	Regional Development Plan
<i>SEA</i>	Strategic Environmental Assessment
<i>SMEs</i>	Small and Medium Sized Enterprises
<i>SoE</i>	State of the Environment Report
<i>SPD</i>	Single Programming Document
<i>TEN</i>	Trans-European Networks

PREFACE

This Handbook sets out an approach to meeting EU requirements for the environmental assessment of regional development plans and programmes in the context of the Structural Funds.

Part 1 'Introduction' sets out the background to these requirements.

Part 2 'Structural Funds and Environmental Assessment' presents an overview of the European Union's Regional and Cohesion Policy and the Structural Funds and their relationship with the environment. It summarises Community policy and legislation supporting sustainable development and environmental protection and improvement. It then proceeds to describe the Handbook's assessment methodology and its relevance to the Structural Funds process.

Part 3 'The Handbook' is structured in five main parts:

- *Section 3.1* describes the structure of the Handbook and how to use it.
- *Section 3.2* explains how the Handbook has been designed primarily for competent authorities within Member States or regions who draw up and manage EU Structural Funds programmes and for authorities responsible for environmental issues.
- *Section 3.3* describes the process of undertaking an Environmental Assessment of Regional Development Plans.
- *Section 3.4* describes the relationship between the environmental assessment of regional plans and the preparation of Community Support Frameworks and Single Programming Documents.
- *Section 3.5* describes the process of undertaking an Environmental Assessment of Operational Programmes.

Part 1

INTRODUCTION

In Part 1:

- 1.1 The Context of the Handbook*
- 1.2 Aims and Objectives of This Handbook*
- 1.3 Who the Handbook is Designed for*
- 1.4 The Contents of the Handbook*

1.1 THE CONTEXT OF THE HANDBOOK

The environment has long been recognised as a major concern of the citizens of the European Union. The policies of the Union have reflected this concern in their requirements for the integration of environmental concerns into programmes and policies. The Structural Funds, a key vehicle for addressing economic and social disparities within the Union, are committed, by Regulation as well as recent political decisions, to respecting Community environmental policy and legislation as well as ensuring that environmental policy itself plays a role in developing cohesion within regional development within the European Union.

It is fully recognised that interventions financed by the Structural Funds often interact with Member States' environmental conditions. The interventions can be primary, for example projects to improve waste water treatment, promote environment related business, or clean up derelict industrial sites ; or secondary, for example transport infrastructure and development of new power generation capacity. Most types of interventions have the potential to affect positively or negatively the environment and natural resources.

To ensure that the negative environmental impact ⁽¹⁾ of Structural Funds interventions is minimised as far as possible, specific regulatory requirements concerning the prior assessment of the environmental impact of regional plans were introduced in 1993 (see Box 1.1).

The purpose of these requirements was to ensure that as far as possible, the likely impact of regional plans and/or programmes as a whole was assessed prior to any Commission decision regarding the co-financing of a plan, programme or other form of Structural Fund intervention.

Box 1.1 Existing Requirements for the Environmental Assessment of Plans

Council Regulation EEC No° 2081/93 requires, under Articles 8(4), 9(8) third indent, and 11bis(5), that regional economic and social conversion plans submitted by Member States in respect of eligible regions under Objectives 1, 2 and 5b must include an appraisal of their impact on the environment.

Specifically, the plan should include:

- an appraisal of the environmental situation in the region concerned ;
- an evaluation of the impact of the strategies and operations contained in the plan in terms of sustainable development, in agreement with Community law in force; and
- the arrangements made to associate the competent Environmental Authorities designated by the Member State in the preparation and implementation of the operations envisaged in the plan and to ensure compliance with Community environmental rules.

(1) See Glossary.

The requirements meant that for the first time, Member States and regional authorities had to provide an overview of the environmental situation of a region, an assessment of the likely environmental impact of the development strategy and priorities and the provisions made for the designation of competent Environmental Authorities to monitor the progress of the various programming documents.

In 1995, the Commission adopted a Communication ⁽¹⁾ on “Cohesion Policy and Environment”. In it, the mutually beneficial and often complementary nature of Cohesion policy and Environment policy was recognised. The Commission sought, however, to underline a number of options and recommendations for ensuring even greater synergy between the two policies. Chief amongst these were measures to improve the evaluation and monitoring ⁽²⁾ (including improvements to ex ante evaluation) of the environmental impact of Structural Funds interventions and developing a clear role for the designated competent Environmental Authorities.

In the context of Agenda 2000, the Commission has proposed a number of key changes to the Structural Funds regulations (COM (98) 131 final of 18.03.98). As far as the current environmental requirements for ex ante environmental appraisal of Regional Development Plans (RDP) are concerned, there are unlikely to be any significant changes. Indeed, the requirement for prior appraisal of environmental impacts of plans is seen as a key element in ensuring that the environmental dimension is fully integrated into the Funds process from the beginning.

Consistent with the Commission’s goal of improving the overall content of plans and programmes, the following information and guidance is provided to enable Member States and Regional authorities to improve their procedures and approaches to ex ante environmental appraisal.

1.2 AIMS AND OBJECTIVES OF THIS HANDBOOK

This Handbook has been prepared by Environmental Resources Management on behalf of DG XI, Environment, Nuclear Safety and Civil Protection, of the European Commission. The Handbook has been prepared with the co-operation and assistance of DG XVI, Regional Development and DGVI, Agriculture. The aim of the Handbook is to set out the ways in which environmental issues can be more systematically incorporated into the definition and preparation of regional plans and programming documents in the context of the European Union’s Structural Funds process. The Handbook is intended to offer general guidance which can be adapted to the situation of each Member State. It does not represent a legal requirement.

The Handbook could also be used for other types of EU regional development instruments such as Community Initiatives.

The methodologies and techniques presented in this Handbook could also be applied to the strategic environmental assessment of many other types of plans and programmes, including national, regional and local spatial development strategies and plans.

(1) COM(95) 509 final of 22.11.1995

(2) See Glossary.

1.3 WHO THE HANDBOOK IS DESIGNED FOR

The Handbook has been designed primarily for those competent authorities within Member States or regions who draw up and manage EU Structural Funds programmes (referred to as Development Authorities hereafter) and/or who have some responsibility for environmental issues (referred to as Environmental Authorities hereafter). ⁽¹⁾ It is designed to give these authorities a thorough overview of the environmental dimension of the Structural Funds process and sets out the tasks required to meet EU requirements for the Strategic Environmental Assessment (SEA) of Regional Development Plans, Community Support Frameworks (CSF) or Single Programming Documents (SPD) and Operational Programmes (OP). ⁽²⁾

Part 3 contains the Handbook itself, describing how an environmental assessment of the Structural Funds plans and programmes can be carried out in practice. A detailed description of the Handbook's structure is presented in Section 3.1.

1.4 THE CONTENTS OF THE HANDBOOK

The rest of the document is divided into two main sections.

Part 2 examines the recent developments in EU Cohesion policy and describes the Structural Funds process which involves the definition of development plans and programmes. It reviews the policy and legislation which calls for greater integration between Structural Funds and the environment. It proceeds to explain the need to carry out a Strategic Environmental Assessment of the development plans and programmes and describes the assessment methodology applied in the Handbook.

(1) See Glossary.

(2) See Glossary.