

URBACT II Operational Programme

ANNEX 5 STRATEGIC ENVIRONMENTAL ASSESSMENT

1. Introduction

This exercise is carried out in accordance with the criteria defined by Art 3 (5) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC and its Annex II. Its objective is to determine if the URBACT II Draft Operational programme requires a strategic environmental assessment.

Following the Monitoring Committee of URBACT held on 17th November 2006 in Paris, the Managing Authority prepared a new version of the Draft Operational programme to be submitted and performed an examination of the likely significant environmental effects of URBACT II.

The findings of the present examination area based on the new version of the Draft Operational programme to be submitted to the Programming Committee on 18th January 2007 in Brussels.

2. Reference Points

2.1 Legal basis, core mission and objective

The legal basis for the URBACT II programme is Article 6 (3) of Council Regulation (EC) 1080/06 which is aiming at the *reinforcement of the effectiveness of regional policy by promoting ... (b) exchanges of experience concerning the identification, transfer and dissemination of best practice including on sustainable urban development as referred to in Article 8*. Its core mission is to improve the effectiveness of sustainable integrated urban development policies in Europe with a view to implementing the renewed Lisbon Strategy.

Accordingly, URBACT II aims to support European Territorial Cooperation co-funded by the European Regional Development Fund in the programming period 2007-2013 in providing services to target groups aiming at:

- Facilitating the exchange of experience in the field of sustainable urban development among local, regional and national authorities
- Disseminating widely the experiences and examples of good practices collected by cities

Target groups of URBACT II are the city policy makers and practitioners, regional and national authorities in charge of urban issues.

The Operational programme outlines two thematic priority axes in Chapter 4 (plus Priority 3 - Technical Assistance)

Priority Axe 1 - Cities, Engines of Growth and Jobs – the main sub themes to be addressed include:

- Promoting entrepreneurship (including Financial Instruments)
- Improving Innovation and Knowledge Economy
- Employment and Human Capital (employability, qualification, access to labour market, education and training systems, target groups: older workers)

Priority Axe 2 - Attractive and Cohesive Cities –the main sub themes include:

- Integrated Development of sectoral urban policies - housing, renewable energies, ICT, integrated transport policies, ...
- Integrated development of deprived areas – brownfields, inner cities, peripheral deprived areas
- Social integration: managing immigration, young people, health, security, culture
- Environmental issues: waste, improving monitoring of the environment, improving air quality; water quality and supply; moving to a recycling society ...
 - Governance and Urban Planning: town planning, multi-level government, citizens' participation, territorial governance (horizontal and vertical)

The sub themes identified above cover the most important policy fields for integrated sustainable urban development and the current challenges faced by European cities, however, other sub themes may be considered appropriate and can be added as necessary. There are clearly many links to be made between priorities to allow for an integrated approach to sustainable urban development and in addition there are a number of cross cutting themes which should also be considered for all possible URBACT actions – these include equal opportunities, gender issues, environmental sustainability and an integrated approach.

2.2 Aspects of examination in relation to the SEA Directive

According to Directive 2001/42/EC certain programmes and plans that are likely to have significant environmental effects shall be subject of an environmental assessment. Article 3 provides for the scope of the SEA Directive, defining the type of plans and programmes that require such an environmental assessment.

Article 3 (2) provides a list of specific plans and programmes for which an SEA is obligatory, with the exception of cases in which Articles 3 (3), 3 (8), or 3 (9) are applicable. As far as any other plans and programmes are concerned, Member states are to determinate the likelihood of significant environmental effects through case-by-case examination (Art 3 (5)). The environmentally responsible authorities of the Member States shall be consulted concerning the result of the examination (Article 6 (3)). Following the final decision Article 3 (7) requires that the conclusions of the examination and the reasons for not requiring the full SEA are made available to the public.

3. Examination of the likely significant environmental effects of URBACT II in accordance with Article 3 (5) Directive 2001/42/EC

3.1 Does URBACT II represent a plan or programme as per definition of Article 2 of Directive 2001/42/EC ?

Question

Does URBACT II represent a plan or programme:

- Which is subject to preparation and/or adoption by an authority at national, regional, or local level or which is prepared by an authority for adoption, through a legislative procedure by Parliament or Government?
- Which is required by legislative, regulatory or administrative provisions?

Answer

URBACT II represents a “plan or programme” as per definition of Article 2 of Directive 2001/42/EC .

Comments:

- Council Regulation (EC) n° 1083/06 laying down general provisions on the European Development Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) n°1260/99 (General Regulation) requires submission by Member States and adoption by the Commission of Operational Programmers as part of the strategic reference framework setting out a development strategy using a coherent set of priorities.
- The operational programme of URBACT II complies with this requirement. The need for the operational programme has been stated in Council Regulation (EC) 1080/06 on the European Regional Development Fund as part of the European territorial cooperation objective. Article 6 (3) aims at the *reinforcement of the effectiveness of regional policy by promoting ... (b) exchanges of experience concerning the identification, transfer and dissemination of best practice including on sustainable urban development as referred to in Article 8.*
- Following adoption by the Commission, the French Ministry in charge of Urban issues, on behalf of the Member States will, in line with the provisions of Council Regulation (EC) 1080/06 on the European Regional Development Fund (Article 14), act as the responsible Managing Authority of the programme.

3.2 Does URBACT II set the framework for future development consent of projects ?

Questions:

- Has the present Operational programme been prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use;
- Does the present Operational programme set the framework for future development consent of projects as listed in Annex I and II of Directive 85/337/EEC on Environmental Impact Assessment EIA?

1.1. Answer

No.

1.2. Comments

The URBACT II programme will bring together actors at local and regional level to exchange experience and learning in a wide range of urban policy themes which focus on achieving the main objective of improving the effectiveness and impact of such policies at urban level. The programme will include a strong capitalisation and dissemination element with a view to define actions plans that can be included in mainstream programmes and to communicate the results as widely and effectively as possible.

The overall objective can be broken down into a number of specific objectives for the URBACT II Programme.

The main challenges facing cities today include questions of sustainable development, accessibility, access to services, innovation, entrepreneurship, knowledge economy, support to SMEs, creating more and better jobs, social cohesion, equal opportunities, a safe city, governance, citizen participation, integrated approach to urban development. Most EU cities have policies in place to aim to meet these challenges but these policies vary considerably between Member States, hence the need to exchange experience and learn from good practice in these fields.

The activities of URBACT II aims to assist policy-makers and practitioners in the cities and managers of operational programmes under the Convergence and Competitiveness Objectives to define action plans on sustainable development in urban areas, which may be selected for Structural Funds programmes (Regions for Economic Change / Fast Track Option). But it does not directly set the framework for future development consent of projects.

Projects, in the strict sense of Directive 85/337/EEC on EIA are related to:

- The execution of construction works or of other installations or schemes
- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources

The types of projects involving practical construction works and on-site development activities are listed in Annex I and II of the EIA Directive. URBACT II does neither set the framework for the development consent of such projects, nor does it contain criteria or conditions which might guide the way a consenting authority decides on an application for development consent.

3.3 Does URBACT II, in view with a potential effect on sites, require an assessment under Article 6 and 7 of the Directive 92/43/EEC ?

1.3. Answer

No

1.4. Comments

According to the Habitat Directive 92/43/EEC Member States are to establish special areas of conservation (as part of a coherent European ecological network of protected sites, Natura 2000) for rare and vulnerable habitat types and species which occur in their territory.

According to Article 6 (3) any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implication for the site in view of the site's conservation objectives.

URBACT II does not support projects or actions that are likely to affect sites in the Natura 2000 Network. It spreads systematic and standardized description of working practices mainly through exchanges , studies and dissemination of information.

3.4 Is URBACT II likely to have significant environmental effects ?

The “testing” of URBACT II against questions 3.1 to 3.3 above proves that the present programme does not represent one of the standard cases explicitly listed in Directive 2001/42/EC, which require a full environmental assessment. In such a situation, the SEA Directive foresees that Member States are to verify if the programme is still likely to have significant environmental effects (Article 3 (4°)).

The Member States shall take into account relevant criteria set out in Annex II of the SEA Directive in order to assess the nature of the plan or programme and its likely significant affects on the environment. An assessment has been included in the Annex of this examination report, which has been used to establish answers to the questions below.

1.5. Question

Does URBACT II set the framework for future development consent of projects other than those under the EIA Directive?

1.6. Answer

No

1.7. Comments

- Development consent is not defined in the Directive, but according to the SEA guidance document it normally means that the plan or programme contains criteria or conditions which guide the way the consenting authority decide an application for development consent, for instance in placing limits on the type of activity or development which is to be permitted in a given area (section 3.23).
- The URBACT II Operational programme aims to develop exchanges among city policy makers and practitioners, and disseminate standardized information in order to develop appropriate and integrated solutions for urban policies. It does not set the framework for the development consent of projects

1.8. Question

Is URBACT II likely to have a significant environmental effect ?

1.9. Answer

Exchanges among policy makers and practitioners, and dissemination of appropriate and integrated solutions for urban policies is unlikely to have direct significant environmental effects.

1.10. Comments

- URBACT II does not set a framework for future development consent of projects. Therefore the question if the programme has significant direct environmental impacts does not apply.
- Regarding Council Regulation (EC) 1080/2006 URBACT's main objective is to promote urban **sustainable development**. Environmental issues and sustainable development are the very pillars of URBACT II, in a much broader scale than in URBACT I. There is a clear will to influence urban policies towards a more sustainable development. But the influence of the URBACT II programme will more on the definition of new policies than a direct environmental effect.
- URBACT II is not an action programme, but an exchange programme. So it does not co-finance any investment programme. Eventual co-financing from ERDF will come from the Regional Operational programmes, which are required for full SEA.
- According to the guidance document for the SEA Directive, the use of the word "likely" suggest that the environmental effects to be considered are those which can be expected with a reasonable degree of probability (section 3.50). Since it is impossible to determine whether there is a reasonable degree in the case of the URBACT II Draft Operational programme, it can be assumed that the programme is unlikely to have significant environmental effects.

3.5 Conclusion

The below provides an overview of the results of the examination of the URBACT II Operational programme against the likelihood of significant environmental effects in accordance with Article 3 (5) Directive 2001/42/EC.

<p>2.</p> <p>3. SEA DIRECTIVE ARTICLE AND EXAMINATION QUESTION</p>	<p>4.</p> <p>5. RESULT</p>
<p>6. ARTICLE 2</p> <p>3.1 Does URBACT represent a plan or programme:</p> <ul style="list-style-type: none"> • which is subject to preparation and/or adoption by an authority at national, regional, or local level or which is prepared by an authority for adoption, through a legislative procedure by Parliament or Government? • which is required by legislative, regulatory or administrative provisions? 	<p>Yes</p>
<p>Article 3 (2)</p> <p>3.2 Does URBACT II set the framework for future development consent of projects ?</p> <ul style="list-style-type: none"> • Has the present Operational programme been prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use; and • Does the present Operational programme set the framework for future development consent of projects as listed in Annex I and II of Directive 85/337/EEC on Environmental Impact Assessment EIA? 	<p>No</p> <p>No</p>
<p><i>6.1.1. Article 2</i></p> <p>3.3 Does URBACT II, in view with a potential effect on sites, require an assessment under Article 6 and 7 of the Directive 92/43/EEC ?</p>	<p>No</p>
<p>Article 3 (4)</p> <p>3.4 Is URBACT II likely to have significant environmental effects ?</p> <ul style="list-style-type: none"> • Does URBACT II set the framework for future development consent of 	<p>No</p>

projects other than those under the EIA Directive? <ul style="list-style-type: none"> Is URBACT II likely to have a significant environmental effect? 	Unlikely
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Consequently, the Managing authority concludes that a detailed strategic environmental assessment in accordance with the SEA Directive is not required.

3.6 Next steps

The Managing Authority submits to the Member States (as authorities designated under Article 6(3) of the SEA Directive for comments in accordance with Article 3 (6) of the Directive) the present examination report accompanied by its decision that a detailed strategic environmental assessment in accordance with the SEA Directive is not required.

The present examination report is based on the draft of the operational programme submitted to the Member States 18th January 2007. The Managing Authority shall revisit the examination questions in case upcoming drafts of the programme undergo major adjustments.

6.2. ANNEX

Detailed assessment of URBACT II against criteria for determining the likely significance of environmental effects referred to in Article 3(5) of the SEA Directive

1. Characteristics of URBACT II, having regard, in particular, to:

6.2.1.1. Annex II/1 Criteria	Comments	Assessment
The degree to which URBACT II sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The URBACT II Draft Operational programme does not set a framework for exchange operations in the strict sense of the given criteria, as it has no direct impact in relation to location, nature, size and operating conditions and does not allocate natural resources.	No direct impact
The degree to which	The URBACT II Draft Operational programme	Low direct

URBACT II influences other plans and programmes including those in a hierarchy	aims to develop exchanges among city policy makers and practitioners and disseminate standardized information. It may influence Regional Operational Programmes towards a more sustainable urban development.	impact Degree of influence cannot be determined at this stage
The relevance of URBACT II for the integration of environmental considerations in particular with promoting sustainable development	The URBACT II Draft Operational programme is committed to paragraph (9) of the preambles Regulation (EC) n°1080/2006 integrating measures in the field of sustainable development into operational programmes. Promoting urban sustainable development is a major aim of URBACT II	Low direct impact Relevance cannot be determined at this stage
Environmental problems relevant to the plan or programme	As stated above, it is impossible to determine at this stage if the programme itself will directly encourage the integration of environmental considerations.	Low direct impact Relevance cannot be determined at this stage
The relevance of the plan or programme for the implementation of community legislation on the Environment	Some of the projects of URBACT II may be relevant to activities related to environmental themes, but it cannot be determined whether such activity will be of relevance to the implementation of Community legislation on the environment.	Low direct impact Relevance cannot be determined at this stage

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

6.2.1.2. Annex II/2 Criteria	Comments	Assessment
- the probability, duration, frequency and reversibility of the effects - the cumulative nature of the effects	Given the above assessment and taking into account that URBACT is an exchange programme on urban issues, it	Not significant

<ul style="list-style-type: none"> - the transboundary nature of the effects - the risks to human health or the environment (e.g. due to accidents) - the magnitude and spatial extent of the effect - the value and vulnerability of the area likely to be affected due to special natural characteristics or cultural heritage, exceeded environmental quality standards or limit values, intensive land-use - the effects on areas or landscapes which have a recognized national, Community or international protection status 	<p>is expected that the environmental effects resulting directly from the programme will not be significant.</p>	
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