ESPON

EATIA
ESPON and Territorial Impact Assessment

Targeted Analysis 2013/2/9

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This basic report exists only in an electronic version.

List of authors

Professor Thomas B Fischer (PhD); Civic Design; People, Space & Place Research Cluster; School of Environmental Sciences; University of Liverpool, UK

Tom Gore, Civic Design; People, Space & Place Research Cluster; School of Environmental Sciences; University of Liverpool, UK

With further input by:

Dr Olivier Sykes; Civic Design; People, Space & Place Research Cluster; School of Environmental Sciences; University of Liverpool, UK

Professor Paulo Pinho (PhD); University of Oporto, Faculty of Engineering, Portugal

Professor Dr Mojca Golobič; University of Ljubljana, Biotechnical Faculty, Slovenia

Professor Wil Zonneveld (PhD), Delft University of Technology, the Netherlands

Dr Bas Waterhout, Delft University of Technology, the Netherlands

Dr Tasso Perdicoulis; University of Oporto, Faculty of Engineering, Portugal

Dr. Naja Marot; University of Ljubljana, Biotechnical Faculty, Slovenia

Špela Kolarič; University of Ljubljana, Biotechnical Faculty, Slovenia

Dr Alex Singleton; Civic Design; People, Space & Place Research Cluster; School of Environmental Sciences; University of Liverpool, UK

Dr Vincent Onyango; Civic Design; People, Space & Place Research Cluster; School of Environmental Sciences; University of Liverpool, UK

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EXECUTIVE SUMMARY

A. EXECUTIVE SUMMARY

The EATIA project set out to develop a different type of TIA methodology from those established to date by ESPON based projects. Rather than using a EU wide top-down quantitative modelling approach based on NUTS statistical regions, the possibility to use a bottom-up approach was examined, allowing regional and / or local decision making levels to input into member state managed TIA exercises, conducted in order to inform national positions on draft directives and other policies and potentially also to help achieve transposition processes that minimise negative impacts and enhance positive outcomes for regions and localities. The development of a simple and easy to apply TIA framework / methodology was at the heart to the EATIA project.

According to the comments provided by the CU on the project's Interim Report, the format of this draft final report diverts somewhat from the standardised template, as it was requested to; *'Bring the [TIA] framework to the fore of reporting, rather than background and narrative, which could be briefly summarised in the main report'*. This is also in line with Annex III of the subsidy contract.

At the heart of this draft final report is therefore a TIA guidance document (section C), which outlines and explains the TIA framework / methodology. This has been prepared with those and for those who are supposed to use it, namely national and regional and local authorities and other stakeholders.

The TIA framework / methodology was prepared by the TPG together with the departments and ministries responsible for spatial planning from three EATIA stakeholder countries; the UK, Slovenia and Portugal (the stakeholders). Furthermore, learning networks of between 15 and 20 public and private sector practitioners as well as academics in each of these countries decisively influenced the development of the methodology. In the spirit of an ESPON targeted analysis, the guidance is thus the product of a joint effort by many different bodies and individuals and is not just the result of the work of an expert project team. The TIA methodology was not just developed together with many different partners, it was also tested with public and private sector practitioners. The end product therefore reflects their experiences and comments, too.

The guidance was prepared with some clear initial instructions from the stakeholders and the project's Steering Committee (SC), as follows:

- The TIA methodology should be prepared with the needs of national and regional and local authorities of EU member states in mind; TIA should be an instrument helping those authorities to identify positive and negative, deliberate and unexpected, long and short as well as direct, indirect and cumulative territorial impacts of European draft directives and potentially other European policy as well as inform the national transposition processes of those directives and policy.

- The TIA methodology should be simple and straightforward; national, regional and local level authorities should be able to apply TIA without having to acquire complex expert knowledge.
- The TIA methodology should be as 'pain-free' as possible; this means there should be no new formal requirements for TIA (i.e. TIA should not become a highly formalised and legally required instrument such as strategic environmental assessment (SEA) or environmental impact assessment (EIA); the resources required to conduct TIA should remain minimal.
- The TIA methodology should be robust and replicable throughout the EU, whilst allowing for some flexibility to reflect specific policy making and planning traditions; outcomes of TIAs conducted in different member states on the same draft directive / policy need to be transparent and comparable.

The project started in November 2010 and has been running for 17 months. It is now drawing to a close. At the heart of this highly participatory project were interdisciplinary discussions held in three learning network workshops in each of the three stakeholder countries (i.e. 9 workshops in total). In addition, a number of testing workshops were also held. These had a substantial impact on the development of the TIA methodology. Many learning network members posed critical questions on TIA which had to be reflected on and resolved. This means that the project didn't always follow the straight time and methodological line as originally anticipated in the project proposal. For example, at the beginning of the project, it hadn't been anticipated that the term 'territorial impact' would raise quite as many questions as it did by learning network members. A lot of effort thus went into defining what a territorial impact is[1] and what exactly territorial impact assessment should address. However, the project team managed to fulfil all requirements and completed all the tasks defined in the subsidy contract.

There were other, unanticipated issues arising which meant the project approach had to be slightly adapted. In the project proposal, for example, the project team had assumed that it would develop a TIA approach to be used at national and regional levels of decision making. However, following the revocation of the regional planning level in the UK, this had to be extended to also include local levels of decision making (in Portugal and Slovenia, the regional focus remained). Whilst initially, this change created some problems and caused a certain amount of irritation, testing showed that the local assessment of territorial impacts may actually be highly useful, as differential territorial impacts may be more marked here than what can be observed at the regional level (NB: what counts as the local level in England is akin to what is considered regional in Slovenia). As such, this unanticipated change, whilst having clearly been a challenge for the project team (TPG) to address, turned

[1] a 'territorial impact' is essentially any impact on a given geographically defined territory, whether on spatial usage, governance, or on wider economic, social or environmental aspects, resulting from the introduction or transposition of an EU directive.

out to be an opportunity to develop a methodological approach that ultimately should really be able to make a difference.

The TIA framework / methodology finally adopted is presented in the guidance in section C. It consists of three main elements, which are *process*, *techniques* and *governance* related. These elements weren't preset at the beginning of the project, but emerged during the many discussions that took place in the learning network meetings. In summary, on the basis of these three elements, the TIA framework / methodology works as follows:

- **Screening** (whether a TIA is necessary) and **scoping** (what TIA should include and **what types of regions / localities are most likely to be affected**) are conducted by **national departments / ministries responsible for a draft directive**, supported by the department responsible for spatial planning; **logical chains**, **checklists** and **impact matrices** may be used; screening and scoping may be happening **within established / existing regulatory impact assessment**; testing has shown that screening and scoping may take **as little as half a day**, if done in a **workshop** with knowledgeable representatives of different departments **which come together in a co-operative spirit**.
- **Assessment / appraisal** is done by **regional / local level spatial planning authorities**, possibly by existing **spatial planning / SEA teams, which convene at regular intervals** anyhow; whilst the involvement of regional / local level authorities will be **voluntary**, scoping should identify types of regions / localities likely to be affected; the central government department / ministry responsible for screening and scoping should **alert those authorities most likely to be affected by a draft directive / policy**; in larger EU member states, a **centrally managed web-based system** may be used to provide authorities with information on draft directives; through this web-site, alerts may also be sent out to regional/local authorities; **impact matrices** and **impact maps** may also be produced; testing has shown that assessment / appraisal may be done in **as little as half a day to a full day**, depending on the complexity of the directive to be assessed and the experience of the assessment / appraisal team.
- **Evaluation** will be done by **central government departments/ ministries**, based on **Europe 2020** and other **national territorial policy objectives**; evaluation is based on **information provided by the regional / local authorities**, **possibly through the centrally managed website**; regional / local authorities may also decide to evaluate assessment results in the light of regional / local territorial policy objectives. **Impact matrices**, **evaluation maps** and **radar charts** may be prepared for presenting results in an easily comprehensible manner.

Testing has shown that an experienced impact assessor is likely to find the TIA methodology approach simple and straightforward to conduct. Inexperienced individuals will need some time when being involved in TIA for the first time. However, testing has also shown that once a person starts with the assessment, they usually find themselves handling the TIA methodology in an effective manner rather quickly.

The main barriers to an effective TIA process are likely to include a resistance of different departments / administrations to co-operate in workshops. Central government departments / ministries, for example, may not be experienced in co-operating in the way anticipated by the TIA methodology, and may thus be reluctant to engage in the exercise (an example for this is presented in Annex 6 for a TIA type application in the Netherlands). Furthermore, regional / local authorities may be sceptical about the possibility to be able to indeed influence a national position on a draft directive and may thus decide not to engage in TIA. Regarding both barriers, central governments will be key to overcoming these by making clear that they support the anticipated approach. Other barriers may be the choice of inappropriate assessment / appraisal criteria. For example, assessors have shown to become increasingly confused if more than 15-20 criteria are involved in assessment.

Whilst the project team has been able to address all tasks and requirements formulated in the subsidy agreement, certain issues and questions still require attention. In particular:

- The TIA framework / methodology also needs to be tested in other EU member states; testing has shown that there is sufficient flexibility for individual approaches, reflecting policy making and planning traditions (see e.g. Annexes 1 to 3 of this draft final report); in order to retain replicability and comparability, this will need to be monitored, though.
- Testing now needs to extend to ‘real’ draft directives; in the project, only existing directives were used, pretending they were at the draft stage (i.e. testing was based on ‘mock’ exercises).
- Further work is needed on the design and development of a centrally managed web-based TIA platform, to simplify the interaction of the various stakeholders in the process.
- The complementarity of different ESPON TIA approaches needs to be established further, in particular with regards to the ARTS and the EATIA approaches.
- How to deal with trans-boundary issues in assessment needs further discussion.

REPORT

B. EXPLANATION OF PROJECT AND APPROACH

As a targeted analysis, this EATIA project has had a somewhat unusual approach for an ESPON project. It has been conducted on the basis of a co-operative and participatory project process in which the 'product', i.e. the TIA framework / methodology has been developed by the TPG together with a range of other stakeholders. This is why this Draft Final Report is not just about the end product, but also about the story of developing the methodology and related guidance, which is key for understanding the approach finally adopted.

The approach taken by this report reflects:

(a) Annex III of the subsidy contract which mentions that '*The [Draft Final] report targets the stakeholders behind the project and potential end users of the project results*'; and

(b) the comments made by the SC to the Interim Report. Here, it was stated that '*clear instructions are important not only to replicability, but also for general accessibility. EATIA's end products of a Final Report and a practical TIA Framework will go hand in hand. They will need to be accessible and readable to end users. So, the TPG should reflect this in the final reporting through using instructional language where possible*.'

This section B 'report' of the Draft Final Report is divided into 3 parts. Firstly, the story of the EATIA project is told outlining the stages in the project's development. Secondly, the CU's comments and recommendations in response to the project's Interim Report are considered[2]. Thirdly, issues for further analytical work and research are raised.

1. The story of developing the EATIA project

In line with the project specifications, a Territorial Impact Assessment (TIA) framework / methodology was to be developed for use by national and regional/local administrations in EU member states. The aim of TIA is to assess the potential territorial impacts of European draft directives and to support their implementation processes.

As a targeted analysis, the project has been driven by the specific needs of three national stakeholders; the national government departments / ministries responsible for spatial planning of the UK, Portugal and Slovenia. In meeting the requirements of these stakeholders, the project's aim was to develop an approach to TIA that is:

[2] These have also informed the development of Section C below, which presents the EATIA framework / methodology in the form of a guidance document.

- Simple, pragmatic and 'policy-maker friendly' and which compliments existing member states arrangements;
- One that will not lead to new formal assessment obligations, as, for instance, with strategic environmental assessment (SEA) or environmental impact assessment (EIA)
- Flexible and so sensitive to different member state contexts.

The TIA framework / methodology has been developed over a period of 17 months (November 2010 – March 2012), working through the following 4 stages (reflecting the requirements of the subsidy contract):

(1) Establishing differences and similarities of existing assessment tools and TIA;

(2) Designing a preliminary TIA framework;

(3) Testing the applicability of the TIA framework and refining it;

(4) Assessing the usefulness and benefits, as well as associated costs of applying the TIA framework; further refinement of the framework.

How each of these stages has been met is subsequently summarised. In this context, how each influenced the resulting TIA framework / methodology is also explained. It is important that the approach introduced here is not the 'invention' of the TPG. Rather, as already mentioned above, it has been developed as a joint effort by the TPG, the stakeholders, national learning networks of between 15 and 20 interested public and private sector representatives in each of the UK, Portugal and Slovenia (each of which met at least three times), a range of other public and private sector representatives involved in testing the framework / methodology as well as ESPON itself.

3.1 Establishing differences and similarities of assessment tools

Step 1 (WP2.1) provided the baseline for the EATIA project, which was based on one main question, namely;

> *'how [...] the assessment of territorial impacts of European (sector) policies [can] be addressed in the cycles for territorial and spatial planning policymaking within European Member States in general and the national and regional territorial development strategies in particular'* (ESPON, 2010, p. 11).

Existing assessment instruments were presented in the project's Inception Report in terms of:

- their nature (legal status, spatial scale, focus, existence of guidelines, types of impact considered, timing, initiating parties and end users);
- procedural elements;
- assessment content (alternatives, format, types of impact considered, territorial relevance, data collection, uncertainties and consideration of mitigation measures);
- consultation and influence

Assessment instruments covered and analysed during the project included:

(1) The European Commission Impact Assessment;

(2) EIA in the UK, Slovenia and Portugal;

(3) SEA in the UK, Slovenia and Portugal;

(4) Regulatory Impact Assessment (RIA) in the UK and Slovenia (not applied in Portugal);

(5) Sustainability appraisal in the UK (not applied in Slovenia and Portugal);

(6) Rural Proofing in the UK (not applied in Slovenia and Portugal);

Whether and how a TIA framework / methodology could be applied in combination with any of these existing instruments was discussed during the first round of learning network workshops in January/February 2011 in each of London, Ljubljana and Lisbon. Outcomes of these discussions were summarised in the Interim Report, Annex 1. As a result, in the UK and Slovenia, TIA should be co-ordinated with national RIA activities and regional/local spatial planning related SEA activities (which in the UK is combined with SA). In Portugal, the only instrument currently available with which TIA may be combined is regional spatial plan related SEA.

3.2 Designing a preliminary TIA framework

Stage 1 was crucially important, as it provided for one of the starting points for the design of a preliminary TIA framework (WP2.2). The other starting point was the first round of interactive learning workshops of the national learning networks, made up of 15-20 members in each of the UK, Slovenia and Portugal. Here, initially no ready-made suggestions were made by the TPG to the learning network members on what format a TIA framework / methodology should take, in order to avoid influencing project outcomes too much at this early stage. Rather, opinions of network members were first sought on what a TIA framework may look like and consist of. In this context, learning network members' experiences in the formulation of EU directives /

legislation was initially established. Secondly, their awareness and knowledge of territorial impacts of directives was identified and recorded. In this context, what may be understood by a territorial impact was extensively discussed and a definition was developed to which, after several months of debate, everyone was able to agree. The definition is provided at the beginning of the guidance document in section C of this draft final report. This was followed by an identification of possible TIA implementation mechanisms, revolving around the timing of assessment and integration with existing instruments, possible governance arrangements and methodological issues (process and methods). A 'first learning network workshop findings summary' was provided in the project's Interim report (Annex 1 of that report).

Based on the outcomes of the first round of learning network workshops, various drafts of preliminary TIA frameworks / methodologies were produced. These were sent to learning network members, as well as the project's stakeholders in the first half of 2011 for commenting and feedback. Further comments on ideas were obtained, based on conference and workshop presentations (summarised under points 7 and 9 of the Inception Report), as well as later from those involved in testing the proposed TIA methodology.

The second round of interactive learning network workshops was held in the UK, Slovenia and Portugal in May 2011. Each of the workshops was also attended by the Dutch partner of the TPG (University of Delft), which has had the role of the 'critical friend' to the project. Being part of the ESPON ARTS project, this partner also introduced the ARTS approach and possible synergies of the two projects were discussed. During the second round of workshops, consensus was also reached on the definition of the term 'territorial impact assessment'. Furthermore, some extensive comments were obtained on the evolving preliminary TIA framework / methodology, which at this stage started to include procedural, wider methodological and governance elements. Suggestions were made on the directives that might be used as that basis for testing in the three stakeholder countries. These and other results were summarised in Annex 2 of the project interim report. Three directives were finally used for testing in the three member states, including the Habitats, Renewable Energy and Energy Performance of Buildings Directives. In addition, in the UK, the Electricity Directive, in Slovenia the Seveso III Directive and in Portugal the Maritime Strategy Framework Directive were used.

Based on the testing which was subsequently done in the three countries (see Annexes 1 to 3 of this draft final report for the testing reports of the UK, Slovenia and Portugal) and which is described in the next section, the TIA framework / methodology was refined further and a preliminary TIA guidance document was prepared. This was based on a simple TIA process, consisting of screening, scoping, assessment/ appraisal and evaluation. Possible techniques were allocated to each of these stages, and governance arrangements were established, revolving around

central (national) screening and scoping, as well as final evaluation and regional/local impact assessment / appraisal.

In the third round of learning network workshops further critical comments and suggestions were obtained. This last set of workshops revolved around a EATIA questionnaire which had been designed for testing the usefulness of the methodology and the associated effort (WP2.4). Questions included revolved around the anticipated governance arrangements, appropriateness of techniques, screening, the selection of regions and localities, evaluation as well as the time required for conducting a TIA. Further feedback on the TIA framework is currently sought from various internationally recognised impact assessment experts. To date, responses obtained indicate that these do not foresee any real problems with the application of the suggested process and methods, but rather with a potential reluctance of authorities (at all levels of decision making) to engage with TIA. The final project report will provide for further evidence from the exercise.

The current guidance document has been prepared, taking account of the many comments and suggestions obtained from stakeholders and other learning network members. The following key recommendation by the ESPON CU on the project's Interim Report was particularly headed: '*There need to be the right core criteria and clear instructions for using the framework and methodology. This extends to specifying the competences and responsibilities of who should be responsible at each stage'.*

3.3 Testing the applicability of the TIA framework

Testing of the TIA framework was done in various ways in the second half of 2011 as well as the first three months of 2012. In Slovenia, four workshops were conducted centrally in Ljubljana, in which four directives were tested, including the Habitats, Renewable Energy, Energy Performance of Buildings and Seveso III directives. Screening and scoping, which, in real practice should be done by central government departments, was done by the Slovenian project team (the same approach was applied in the other two countries). Workshops were then held to simulate the assessment / appraisal stage. This involved between 5 and 11 participants in each case. Testing experiences from Slovenia are summarised in Annex 2 of this draft final report. What was done differently in Slovenia from the other two countries was the identification of three types of areas during scoping; those that were likely to be most, to a medium extent and least touched by the measures / policies proposed in a directive. Assessment /appraisal was then done in terms of potential impacts on these three area types, rather than for all 12 Slovenian regions. Whilst in practice this had some problems, this approach is an interesting variation of the proposed TIA framework / methodology and may be particularly beneficial for those member states who wish to involve a sample of regions localities only.

In the UK, a similar testing approach was applied to Slovenia, i.e. the UK project team did the screening and scoping exercises for four directives; the Habitats, Renewable Energy, Energy Performance of Buildings and Electricity directives. For the assessment / appraisal stage of the TIA, a testing workshop was conducted in Liverpool with local authority representatives from Leeds and Dover. Furthermore, another testing session was held here later with a representative from Northern Ireland. Finally, two UK project team members went to the Scottish Government to discuss the approach there. Further comments were received by the Welsh Government and the Greater London Authority during the final learning network workshop in London on 1 March 2012. Testing experiences from the UK are summarised in Annex 1 of this draft final report. Differently from the other two countries, the approach here was based on the involvement of local authorities, of which there are over 300 in England alone. A particular challenge for TIA in this specific context will be to obtain a picture that can indeed reflect the differential nature of impacts throughout the whole country. To have those local authorities contributing to TIA which represent all those area types likely to be most affected will be challenging.

In Portugal, finally, testing was done in two workshops, one as a regional workshop in the Northern Region and one as a national workshop in Lisbon (which also served as the third interactive learning network workshop). Directives considered included the Habitats, Renewable Energy, Energy Performance of Buildings Maritime Strategy framework Directive. Compared with testing in the other two countries, testing in Portugal was done in a more discursive manner, focusing on all stages of the TIA process; screening, scoping, assessment / appraisal and evaluation. A particular emphasis here was on perfecting the logical chains approach, with less emphasis given to the actual assessment and evaluation of outcomes. As such, no evaluation maps or radar charts were produced (however, a map coming out of scoping showing areas potentially affected was drawn up). Testing experiences from Portugal are summarised in Annex 3 of this draft final report.

3.4 Assessing the usefulness and benefits, as well as associated costs of applying the TIA framework

This task is currently still being completed. So far, the usefulness and resulting benefits of the EATIA approach have been discussed in testing, as well as in the final learning network workshops. To date, over 50 individuals have thus commented on the approach. Overall, the replies and comments obtained are positive. Replies from internationally recognised impact assessment experts are currently still being compiled. A complete account will be provided in the Final Report.

2. Reflecting on the SC's response to the Interim Report and comments on the suggested TIA framework

Subsequently, we will reflect on the comments made on the draft TIA framework / methodology and the emerging guidance over the past few months. In particular, we will deal with the main issues identified in the SC's response to the project's Interim Report. We are responding here to a total of 11 questions.

1. *Does the TIA methodology succeed in creating a replicable approach that reaches conclusions over impacts in a transparent and robust way across different territories and governance contexts?*

Creating an approach that is replicable across 27 EU member states (MS) is clearly a difficult endeavour. Policy and plan making approaches differ substantially in different MS, and there are e.g. countries with discretionary traditions (UK, Ireland) which are very different from those that have legalistic traditions (Germany, Slovenia). The same applies to assessment approaches in different countries. Whereas in some countries preference is given to more quantitative approaches, others favour qualitative means of assessment. In either of these, advocating something which is not in line with mainstream thinking can easily be perceived as irrelevant, unreliable or unscientific.

As a consequence, whilst the TIA framework / methodology needs to allow for a sufficient degree of flexibility, it also needs to allow for a replicable approach which is able to produce robust and comparable assessment results. In this context, transparency is a key attribute for creating confidence in the approach adopted.

Our TIA methodology provides a *process*, *techniques* and *governance* based framework, which can be adapted to different planning traditions (Annexes 1 to 3 of this Draft Final Report show how some of these adaptations may work; see e.g. area typologies identified during scoping in Slovenia and impact maps following scoping in Portugal). It is simple, pragmatic and 'policy-maker friendly' and should be applied in a way that allows for it to be complimentary to existing member states arrangements on impact assessment. The process consists of four simple stages (screening, scoping, assessment/appraisal and evaluation) and associated techniques can be used in different ways, reflecting preferences in terms of e.g. quantitative or qualitative assessment and available resources. Whilst governance arrangements are defined in terms of responsibilities of national and regional/local levels, the exact format will depend on the specific circumstances and requirements of different MS and need to be adapted to the specific situation on application.

Based on the comments received by those testing the framework and by members of the learning networks, we are confident that our suggested approach strikes a good

balance between being prescriptive (i.e. being robust), while still allowing for sufficient flexibility to be adaptable to the specific needs of individual policy and plan making systems.

2. *Does the approach taken help to meet the aims and objectives of the Europe 2020 Strategy?*

A core set of assessment criteria has been designed based on Europe 2020 headline issues. Furthermore, evaluation is anticipated to be based on a standardised list of European evaluation objectives (e.g. Europe 2020), next to lists of objectives, reflecting national, as well as regional/local territorial policy goals.

3. *Do the assessment criteria reflect a sufficient territorial approach and can they be reduced to as small a number as possible?*

Eight of the assessment criteria used in screening, scoping and assessment/appraisal reflect Europe 2020 headline issues, as outlined above. Any additional criteria are supposed to reflect national spatial / territorial development objectives, e.g. in the UK the National Planning Policy Framework and in Portugal the Strategic Planning Policy. All criteria need to reflect those aspects used in the final TIA evaluation, i.e. they need to map onto overall policy objectives.

4. *Can maps and possibly other means be used as communicative elements within the assessment process as well as a means to communicate assessment results to decision-makers?*

The TIA methodology allows for the use of a wide range of maps, showing regional / local impacts of draft directives on both, assessment criteria and policy objectives. Annex F of the TIA guidance document shows how maps can be used. Furthermore, the national testing summary reports in Annexes 1 to 3 in this draft final report provide for examples of how maps have been used in testing, not just for assessment / appraisal and evaluation, but also during scoping (see Slovenian and Portuguese examples). Radar charts are another suitable technique for the easy communication of results and are included in our portfolio of possible TIA techniques.

5. *How can a communication strategy run in tandem with the TIA process?*

In particular larger MS may potentially have a lot of regional/local authorities involved in conducting TIA. Here, we suggest setting up centrally managed interactive web based TIA platforms. These should allow central government departments to make information on draft directives (or their transposition endeavours) accessible on-line for regional/local authorities that will be conducting assessment / appraisal. These websites can either be entirely open or member access only based. Through these sites, regional / local authorities can be informed about any new directive proposals. Information on websites can be updated regularly. Furthermore, they can also include links to templates, allowing regional/ local authorities to feed back

information to central government on their assessment contributions. This is shown in the TIA guidance document in Annex G. Furthermore, central governments can publish TIA results on this website, inviting further comment.

In smaller MS, more streamlined processes are possible and likely. Here, central government may actually be in constant contact with regional or even local authorities. A dedicated website may thus not be necessary.

6. *Contact the INTERCO project in order to investigate possible synergies between EATIA and the exercise being done by INTERCO.*

We have contacted the INTERCO project and have examined their work. However, our TIA approach is not attempting to assess directly elements of territorial cohesion. Therefore, there is only limited scope for synergies. For a more in-depth discussion of how the INTERCO territorial objectives have helped inform the definition of territorial impact adopted in the project, see section E 'from defining territorial cohesion to defining territorial impacts'.

7. *Can you offer greater practical instruction on the TIA Framework's use, bedding it more into territorial processes (e.g. sub-national plan making), ensuring stakeholder workload is proportional to the anticipated pay-off and generally streamlining the TIA Framework's processes?*

The approach taken by our TIA framework / methodology is based on connecting TIA with existing national and sub-national plan making instruments and their assessments, whenever possible. National TIA screening and scoping can be a part of any existing regulatory impact assessment processes (as in the case of e.g. Slovenia and the UK). Furthermore, regional/local level assessment / appraisal work is supposed to be done by spatial planning teams that convene on a regular basis for spatial plan making and associated assessment exercises. As such, no new governance structures should usually be necessary. Also, existing expertise of planning and assessment teams can be used, thus minimising the need to generate potentially expensive sets of baseline data in times of scarce resources.

8. *Can you anticipate the possible objections of end users to adopting the process and then respond to these.*

We have discussed this in the final learning network workshops and are currently seeking further opinions of internationally recognised impact assessment experts. So far, one issue has emerged which is seen by many as being potentially particularly problematic. Regional/ local authorities can be expected to participate in TIA voluntarily only if they can see some clear benefits emerging for them. Whilst the most obvious benefit should be the possibility to influence the policy making process, so that negative impacts on regions and localities may be minimised and positive impacts be enhanced, scepticism of authorities about the possibility to be able to achieve some real influence will require national governments to engage in some persuasion activities. Only if it's clear that they will be happy to listen to what regional

/ local authorities have to say and this is indeed found to be the case in real practice is the development of positive attitudes towards TIA likely to be possible.

Another issue is that different central government departments will need to be prepared to get together in a co-operative spirit and listen to each other. The TIA approach is based on a communicative approach. According to several policy and impact assessment authors, the policy level may actually be the best level to work in this way. However, again, some persuasion activities may be necessary here in order to be successful.

9. How can regional/local authorities benefit from it?

The greatest benefit for regional / local authorities is the possibility to influence the drafting of European directives so that negative impacts on them can be minimised and positive impacts enhanced. In order to appreciate the scale of potentially unanticipated impacts, examples were discussed in the first round of workshops of the learning networks. A paper discussing those impacts and explaining the potentially beneficial role of TIA was published in the journal of the Town and Country Planning Association in 2011. It is attached in Annex 5 to this Draft Final Report.

10. Can you make sure there is complementarity with the ARTS project?

The ARTS and EATIA approaches can complement each other in an effective manner. Whilst the former is a centrally (i.e. EU wide scale), top down managed quantitative approach, assessing impacts on statistical areas (NUTS) in 27 member states, the latter is a qualitative, bottom-up approach, relying on regional/ local knowledge. The ARTS approach, whist allowing stakeholders to engage in calibration, is based on a modelling approach which requires EU wide data. The EATIA approach, on the other hand, is based on regional / local expertise. Whilst baseline data may be also used in the EATIA approach, if resources are scarce, expertise of regional / local authority representatives may be considered sufficient for assessment. The TIA approach brought forward is a simple and inexpensive way to make use of regional / local knowledge.

The ARTS approach represents a centrally managed modelling based TIA approach. Run at the EU level for draft directives in a top-down manner, results can be compared with assessment results generated in a bottom-up manner through the EATIA approach. Furthermore, results from ARTS based modelling exercises can help national administration to identify those regions / localities likely to be particularly affected during EATIA scoping. The combined use of both allows checking whether the emerging picture is consistent. Potentially, both approaches can pollinate each other, with experiences from EATIA based experiences helping to calibrate ARTS based modelling exercises. On the other hand, results from an ARTS based modelling exercise can lead to asking critical questions about perceived

impacts of draft directives, thus helping experts and practitioners to appreciate the often complex nature of territorial impacts.

11. *Please make sure you do not overburden the end users (e.g. logical chains) through clearly outlining the benefits and outputs of each process and ensure that this is proportional to the work put into each process.*

The TIA methodology is simple and easy to apply. None of the techniques introduced require any extensive expert knowledge. Whilst there are no barriers to putting more extensive resources into TIA exercises, emerging evidence suggests that even a simple approach can result in robust and reliable results. If wanted, more efforts could go into e.g. the generation and presentation of territorial baseline data and the preparation of more elaborate TIA reports. Regarding the application of the logical chain / conceptual model technique during screening and possibly scoping, we suggest that this can be anything from a hand drawn sketch on the back of an envelope to an elaborate computer designed figure on high quality paper. Examples with different degrees of complexity are presented in Annex A of the TIA guidance document in section C.

3. Reflections on the project and further research needs

Overall, the project has been successfully conducted. All tasks laid out in the subsidy contract have been completed. On several occasions, the TPG went beyond what had been promised.

Whilst a total of nine formal learning network workshops were held as promised, three in each, Slovenia, Portugal and the UK, several additional workshops were organised for testing purposes (one in Portugal, two in Slovenia and three in the UK; for a complete account, see section E 'conceptual issues' and Annexes 1 to 3 to this draft final report). This hadn't been originally anticipated, but was seen as being vital in order to be able to establish the perceived usefulness of the proposed methodology.

A simple questionnaire survey (e.g. SurveyMonkey based) has not been possible, as commenting on the developed TIA framework / methodology requires a good understanding of it, which can only be developed by reading it thoroughly and whenever possible, testing it. The additional testing workshops were thus ideally placed to generate some important survey data. In addition, internationally recognised impact assessment experts have been contacted and their comments on the approach are currently being compiled.

A TIA methodology has been developed by the TPG, taking into account numerous suggestions, comments and recommendations of learning network members in the three stakeholder countries and the Steering Committee (SC). Furthermore, opinions of other external experts have been and are still being sought for the final report.

Developing a joint understanding and reaching an agreement on the most suitable TIA framework / methodology has not always been easy. This is mainly down to the very different policy, plan making and assessment traditions in Portugal, Slovenia and the UK (quantitative and legalistic in Slovenia, quantitative and discursive in Portugal, qualitative and discretionary in the UK). As a consequence, it was difficult to find an approach which would allow TIA to be implemented in systems representing these different traditions. The finally adopted approach introduced here is seen to fit all three systems, which is encouraging in the light of the 24 other planning systems in which TIA has not yet been tested. In order to achieve an agreement on the approach, three additional TPG meetings were held in addition to the two promised, namely in Porto, Birmingham and Amsterdam (the final project team meeting will be held in Porto during the 2012 IAIA – International Association for Impact Assessment conference)

Numerous dissemination activities have been undertaken. To date this has mainly revolved around presentations at international conferences and workshops (eg IAIA

special SEA meeting in Prague in 2011, CITTA conference in Porto in 2011, Planning Research Conference in Birmingham in 2011). Abstracts to further conferences have been accepted, including e.g., the 2012 Association of European Schools of Planning Conference in Ankara and the main annual IAIA conference in Porto). Project presentations have also been given at various national and international ESPON conferences and workshops (eg in Budapest, Krakow, Edinburgh, Ljubljana, London, Brussels). Besides the published paper in Annex 5, the TPG is now preparing four publications on various aspects of the project, which will be submitted to high quality refereed professional journals.

There are a number of issues emerging that require further efforts, either in terms of testing, research or dissemination, as follows:

- *Real life testing*: To date, testing has been conducted based on existing directives, pretending those were draft documents. The main reason is political, as the TPG, the SC and other stakeholders felt that testing real draft proposals may easily be perceived by those in the negotiation process as a research project meddling in this process. Other reasons included the familiarity with existing directives, which made testing more straightforward, the greater variety of directives that were available to use, and the benefits of not being by constrained the real time policy development process.

- *More testing, including in other member states*: whether or not the TIA framework / methodology coming out of the project is also suitable for application in other member states needs to be ascertained; all indications are that there is enough flexibility to enable this.

- *Design and running of a centrally managed web-based TIA platform*. In the UK and Portugal it is felt that a centrally managed web-based mechanism would make application more effective and efficient. This will have to be designed and tested.

- *Comparing the results of ARTS and EATIA based TIA results*: Once the two instruments are applied to the same draft directives, it will be critically important to compare results and to adapt the methodologies in the light of the lessons learned.

- *Monitoring*: If TIA indeed became an instrument that was regularly applied in MS, some monitoring will be necessary to learn from experiences and to make sure there is consistency in the approaches, i.e. there is comparability of the results produced in different MS.

Part C now presents the EATIA framework / methodology in the form of a guidance document.

C. GENERIC TIA GUIDANCE

Assessing Territorial Impacts of European Draft Directives in EU Member States[3]

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Guidance

European directives can have unanticipated and unexpected impacts for regions and localities that can differ widely throughout EU members states. However, currently regional and local administrations have little influence on the drafting of those directives. Furthermore, national governments often find it problematic anticipating impacts of directive proposals and, as a consequence, may establish their national positions without having a proper understanding of likely (and in particular, unexpected) outcomes. Spatially differential impacts may thus only be detected when it's too late for corrective action, i.e. once a directive has already been transposed.

This guidance aims at supporting national, regional and local administrations in anticipating the potential positive and negative impacts that EU directives may have on their territory before transposition, thus enabling them to provide bottom-up feedback to national governments when these are in the process of formulating national positions. The aim is to avoid – potentially costly – negative impacts and to enhance economically, socially and environmentally positive outcomes for as many regions and localities as possible by establishing a systematic territorial impact assessment (TIA) framework. This should be integrated within any already existing impact assessment frameworks and should come with only minor resource implications.

Thomas B Fischer and Tom Gore

With further input by Mojca Golobič, Paulo Pinho, Bas Waterhout, Olivier Sykes, Naja Marot, Tasso Perdicoulis, Špela Kolarič, Wil Zonneveld, and Vincent Onyango

[3] Whilst this guidance focuses on assessing impacts of European draft directives, the approach outlined here can also be applied to other EU or even domestic policy proposals.

This document provides guidance for assessing the (territorial) impacts of European draft directives in EU member states (MS), with the aim to inform national positions on such proposals, taking into account expertise and opinions of regional and local administrations. In this context, a 'territorial impact' is essentially any impact on a given geographically defined territory, whether on spatial usage, governance, or on wider economic, social or environmental aspects, resulting from the introduction or transposition of an EU directive. The ex-ante approach to territorial impact assessment (TIA) presented here serves as a way of identifying such impacts at national, regional and local levels in MS to help identify potential policy conflicts or inconsistencies with (territorial) policy objectives. One of the key strengths of this approach is that it can identify the differential nature of potential impacts between different places and in this sense it can provide a means of considering the spatial dimension of EU policy impacts at both, national and sub-national levels. The assessment approach brought forward can also be applied when transposing directives into national law.

TIA will be beneficial for national administrations in that they will be able to form national positions on draft directives in a more effective way. They will be better informed of what potential impacts on national policy may be and will thus be able to formulate positions that support national policy aims and outcomes. In order to achieve this, national governments will need to ensure departments / ministries co-operate when conducting TIA. Also, applied when transposing a Directive into national legislation, TIA may help to avoid negative and enhance positive impacts.

TIA will be beneficial for regional and / or local administrations in that they will have a say on draft directives, thus potentially influencing their format in a way that supports their own regional / local policy objectives. TIA may also help them to identify new ways of regional and local development support by obtaining a better understanding of the EU regional development funds and other initiatives.

The TIA framework, detailed here, has been designed to be simple, pragmatic and 'policy-maker friendly', and also highly adaptable to different member state contexts. It has been developed around three elements; *procedural, technical* and *governance*. Procedural elements comprise the four stages of the TIA process (1) *screening*, (2) *scoping,* (3) *assessment / appraisal and* (4) *evaluation.* Technical elements include *expert workshops*, *logical chain brainstorming*, *impact* and *evaluation checklists, tables and matrices*, *impact maps, spider web diagrams* and *web-based impact templates* for data processing. Governance elements include the *allocation of tasks to different administrative levels* and *communication / collaboration* between different partners. Whilst these are, by nature, MS specific, general principles are outlined here.

Screening and scoping stages should be led by central government departments at the national level of a MS, supported / guided by departments responsible for spatial planning, and, where possible, should be linked closely to any existing (e.g. regulatory and other strategic) impact assessment procedure(s). Techniques used during screening and scoping include logical chains brainstorming and the completion of impact checklists. The assessment stage should be either conducted at regional or local levels, led by regional or local spatial planning authorities, or, for example in smaller EU MS, by national government departments in consultation with regional / local levels. In this context, impact matrices and impact maps can be used. Results of regional / local assessments can be fed back to the national level through e.g. completion of simple web-based templates (e.g. survey

monkey). The evaluation stage, again, should be led by central government departments at the national level. Additionally, whilst considered compulsory at the national level, the evaluation can also be undertaken at regional and local levels, based on their specific territorial development objectives. In this context, evaluation tables should be used.

TIA aims to provide information on the potential impacts of a draft EU directive, using a simple methodology. Conducting a TIA can be a highly efficient exercise. Testing of various directives in Portugal, Slovenia and the UK has shown that, if TIA is to be completed with only minimal resources being available, national screening and scoping could be completed during half day workshops. This would require a skilled interdisciplinary team, coming together in a co-operative spirit, reflecting a high level of familiarity with the policy area and territorial and sustainability expertise. A similar amount of time is required for the assessment stage conducted at regional or local levels, whilst the overall evaluation might take as little as between half a day and a full day, depending on how many authorities are actually involved and how extensively technical elements are elaborated on.

If more substantial resources are available, there are no barriers to conducting more comprehensive assessments, which may include e.g. the generation and presentation of territorial baseline data and the preparation of more elaborate TIA reports. In particular, this may enhance transparency.

Subsequently, procedural elements will be explained, which will include the application of technical elements. This is followed by a short section on governance arrangements, the concrete nature of which will differ, depending on the MS. The Annex to this guidance provides for samples of the various techniques used.

Throughout the TIA process, whether an impact is understood as being significant depends on both, its nature and the context in which it occurs. That is, whilst characteristics like magnitude, frequency, temporal distribution, probability etc, can be used to describe a potential impact, they do not alone determine whether it is significant. Accordingly, whereas the assessment stage seeks simply to understand the nature of the potential impacts (in terms of e.g. 'increase' or 'decrease'), the evaluation stage seeks to determine the significance of the impacts by looking at them in terms of defined (e.g. territorial cohesion related) policy objectives.

1. TIA process

This section is structured in terms of the four main stages of the TIA process; screening, scoping, assessment / appraisal and evaluation.

1.1 Stage 1 - Screening (national government departments)

The aim of the screening stage is to determine the necessity for TIA on a case-by-case basis, that is, whether the tool should be employed or not employed for a specific policy proposal. This decision will be based on the perceived nature of the potential impacts that could arise from the adoption of a policy proposal. A TIA is likely to be particularly desirable when major unintended or undesirable impacts are considered to be possible, particularly if these are likely to vary in nature across a MS territory. During screening, it is necessary to consider the potential for such impacts. The following approaches can facilitate this process:

a) Logical chain / conceptual model approach

The logical chain / conceptual model approach is essentially a form of 'sophisticated brainstorming' which seeks to highlight the potential consequences of a policy proposal. Assessors work from a description of a policy proposal to identify potential direct and indirect social, economic and environmental impacts, depicting them diagrammatically and then highlighting the underlying cause-effect logic. Whilst this approach can be employed by a single individual, it delivers the best results in a group setting. It can serve as a relatively quick way of identifying potential consequences of a policy proposal. Representation of related brainstorming results can take different formats, depending on the resources available. It can be anything from a hand drawn sketch on an envelope to an elaborate computer designed figure on high quality paper. Three examples with different degrees of complexity are shown in Annex A.

b) Screening checklist

The screening stage can also be facilitated by employing a simple screening checklist based around a number of predetermined 'important' territorial characteristics. Employing a screening checklist helps ensure that potentially important impacts are not overlooked and helps to promote transparency, particularly in cases where a decision is made not to proceed with a TIA. This approach can be used alone or in conjunction with the logical chain approach.

The territorial characteristics used in the checklist should be chosen having impact evaluation objectives in mind. For reasons of comparability, there should be a standardised set of characteristics that is always used in TIA exercises throughout the EU. This set can be based on Europe2020 territorial cohesion objectives (summarised in Annex B). Furthermore, additional characteristics may be defined, based on e.g. MS specific national or regional/local policy objectives. It is important, regardless of the characteristics used, that they are clearly defined in order to avoid different interpretations and ensuing

inconsistencies[4]. A screening checklist, using Europe2020 territorial cohesion related characteristics and some additional characteristics, established through expert opinions in UK TIA testing is presented in Annex C[5].

1.2 Stage 2 - Scoping (national government departments)

If a decision is made to go ahead with conducting a TIA, the first task is to define its scope. The scoping stage aims to steer the entire TIA process, determining:

- Whether major territorial impacts are likely to result from the proposed policy;
- What the nature of these impacts is; and
- Where these impacts are likely to emerge geographically.

The scoping stage is structured around a number of interconnected activities, as follows:

1. Completing a Scoping Checklist;
2. Developing an Impact Assessment Matrix for use at the next (regional/local level) TIA stage;
3. Thinking about types of localities where impacts may be particularly noticeable.

Scoping should be conducted in a team reflecting the expertise required to confidently judge impacts on the territorial assessment criteria. It is important that such teams have the necessary baseline data and likely future development scenario knowledge to effectively complete scoping. Also, if the team consists of representatives from different departments / ministries, they need to be open to co-operation and collaboration. The following sections outline each of the three scoping related activities in detail.

1.2.1 Completing the scoping checklist

a) The scoping checklist is based on a template (Annex C, see shaded areas). To complete the checklist, it is necessary to determine whether a policy proposal should be considered as a whole or whether it should be divided into a number of individual elements, each of which can then be assessed individually. Splitting a proposed policy into elements can be based on an article-by-article basis or by singling out just a few 'key' articles to consider individually, whilst considering others collectively. The main benefit of doing this is that it can enable decision makers to identify more precisely the origin of particular impacts and so can help direct the negotiation or transposition process. However, splitting a proposed policy into elements should only be done when there is clear added value in doing so - in some cases it can make the scoping process (and the subsequent assessment process) unnecessarily burdensome, time-consuming and can affect the feasibility of the TIA. Regardless of the

[4] e.g. in Europe 2020 'Investment in R&D is defined as 'business enterprise expenditure on R&D, higher education expenditure on R&D, government expenditure on R&D and private non-profit sector expenditure on R&D'

[5] For practical reasons criteria should not normally number more than 15 and 20 and should be selected to adequately cover the social, economic, environmental and governance dimensions of the territory. When selecting criteria, it is important to keep in mind the role of TIA in helping to identify potential policy conflicts or inconsistencies.

format chosen, it is vital to always consider cumulative impacts, particularly if a proposed policy is split into individual elements.

b) To complete the scoping checklist, the scoping team should consider the impact of the policy proposal (or each of the policy elements) against each of a number of important territorial characteristics. Those developed during screening can still be used. If screening had been done in a quick manner, e.g. only using the logical chain / conceptual model approach, then these characteristics will need to be developed at this stage following the same principles. Whether the proposed policy is likely to have an impact that may be significant in terms of overall policy objectives[6] needs to be considered. At this stage, it is likely that such determinations will be based primarily on the perceived potential magnitude of the impact of the policy on each characteristic. However, impacts of small magnitude can nevertheless be significant due to wider contextual factors (depending on evaluation objectives). Such insight can also be accounted for here. Impacts should be indicated in terms of either 'yes' (√), 'no' (x), or if it cannot be determined, 'uncertain' (?). The logical chain / conceptual model approach (see section 2.1 a) can be employed here, again, if necessary to help identify cause-effect relationships prior to completing the checklist. Other information sources should also be fully utilised, for example, the outputs of the European Comission's own Impact Assessment process.

c) For each potentially significant impact, the scoping team should consider the features, or 'type', of area at the regional/local level in which these impacts are likely to emerge. In completing this section, it is important to consider, inter alia, geographical location (e.g. coast, mountain, border, peripheral, high/low GDP, islands, densely/sparsely populated, urban/rural), the features or resources of the area (e.g. water, coal, peat, gas), and the activities that the area hosts (e.g. coal based power generation, education, agriculture, industry). For example, coastal regions may be more likely to be significantly impacted than mountainous regions, or rural areas more than urban areas. When conducting this exercise, it is important to keep in mind that different areas may be susceptible to different types of impact on the same territorial dimension, resulting from the same policy or policy element. In such cases, it can be helpful to divide the relevant row in the checklist two or more times to accommodate this.

d) In the final column of the checklist, every 'yes', 'no' or 'uncertain' decision may be justified (written comment). In addition, where a significant impact is considered likely, the nature of this impact should be described, e.g. referring to its anticipated magnitude, duration, probability etc. This section of the checklist will be a valuable resource for those at the sub-

[6] The significance of an impact depends both on its nature (e.g. magnitude, temporal distribution, etc) and the context in which it occurs, defined by adopted (territorial) policy objectives. Impacts can be positive or negative, recognising that in policy negotiations being aware of the favourable aspects of a policy proposal can be as important as being aware of the negative. Furthermore, it is important to consider not only direct, but also indirect and cumulative impacts.

national levels who will be expected to conduct the next stage of the TIA process and who will use this as a starting point[7].

1.2.2 Developing an Impact Assessment Matrix (IAM)

The scoping checklist is used to prepare the Impact Assessment Matrix (IAM), which is the basis for the next stage of assessment at the regional / local level. To prepare the IAM, the scoping team should use the template provided in Annex D and populate the matrix's axes with (a) the assessment characteristics employed in the scoping checklist and, (b) if utilised, the identified policy elements.

1.2.3 Identifying types of regions / localities where impacts may be particularly significant[8]

The final activity during scoping is the identification of the specific regions / localities that should be approached *directly* to conduct the assessment based on the IAM, including those which, owing to their character or type are considered likely to be significantly impacted on by the proposed directive. Identification should be based on the characteristics / features defined in the scoping checklist during activity 2.2.1c[9]. Besides the identified regions / localities, others should also have access to the scoping outputs and should be given an opportunity to participate in the TIA[10]. Any quantitative TIA modelling exercises conducted at the EU level (e.g. the ARTS approach - http://www.espon.eu/main/Menu_Projects/ Menu_AppliedResearch/arts.html) can help to identify types of regions / localities here.

Although, whenever possible, the scoping body should seek to identify the *specific* regions / localities corresponding with the characteristics identified in 2.2.1c and should make contact with these areas directly, in some situations it will not be realistically possible due to data limitations (e.g. 'coastal areas' can be readily identified using a map, but 'areas with a high proportion of circa 1900 residential building stock' may be more problematic). In these situations, the responsibility will be left to regions / localities to identify themselves as fitting the characteristics identified in the scoping process. In this context, it is important to note that whilst it is unlikely that a contribution to TIA will be compulsory for regional / local authorities, the possibility of being particularly negatively affected by the proposal or the possibility of being able to tap into specific sources of funding (e.g. regional development funds or LIFE) will mean that it is in their best interests to get involved.

[7] Except potentially for smaller MS, where the national level may conduct this stage in collaboration with regional and / or local authorities.
[8] In smaller EU member states with few relevant regions (e.g. 2 or 3) this might not be necessary, as all regions are then likely to contribute
[9] in some circumstances it may be desirable to also contact adjacent areas due to the potential for spill over effects
[10] To gain a comprehensive a picture as possible it is clearly desirable to engage as many regions / localities as possible in the assessment.

1.3 Stage 3 – Impact Assessment / Appraisal (regional or local administrations)

Following scoping, the scoping body will release information on the proposed directive[11] and the outputs of the scoping process (possibly on a dedicated website) and will alert all regions / localities in the MS to its presence, when possible, contacting those considered likely to be impacted, directly, in line with 2.2.3. Regional/local authorities will then consider whether they are likely to be susceptible to impacts from the proposed EU directive, based on the information produced in scoping. Only if they consider this to be likely would they then proceed as detailed below. If suitable, regional (or *Land* / devolved administration[12]) levels may co-ordinate local level assessments.

At the impact assessment stage, assessors need to complete the impact assessment matrix (IAM) (Annex D), developed during scoping, by considering the impact of the policy proposal (or of each policy element) on the locality in question in terms of the territorial characteristics used in scoping and possibly other, local characteristics. Again, any quantitative TIA modelling exercises conducted at the EU level can support the assessment / appraisal here. When potential impacts are identified, following the format of the IAM, they should be described with reference to the following three characteristics and should be fully justified to facilitate later interpretation and processing:

- Magnitude: This refers to the expected size or scale of the impact and should be defined numerically (0 = no impact, 1 = some impact or 2 = major impact); no intermediary values should be used (uncertainties can be reflected in the comment section);
- Orientation: This refers to the impact's direction of action in relation to the baseline condition, for instance, will it act to *increase* soil pollution or *decrease* soil pollution;
- Temporal distribution: Refers to the duration of the impact; this should be described in terms of; short term (e.g. up to 5 years), medium term (e.g. up to 10 years) or long term (e.g. over 10 years); in cases where the nature of the impact varies over time, this can also be outlined.

Throughout this exercise, it is important to consider potential indirect and possible spill-over effects from impacts in adjoining localities, in particular in cases when these could be particularly influential - for instance, if an externally located yet important local employer was to close as a result of a proposed policy. It is also important to utilise all available sources of information and evidence. This in particular will include the outputs of the scoping process, which can provide a valuable source of insight, especially when the proposed directive is highly technical. Additionally, whilst extensive baseline data compilation exercises are not necessary when the exercise is done within the context of a workshop attended by expert representatives of different departments coming together routinely for e.g. local spatial plan making and associated strategic environmental assessment purposes, detailed supporting studies can be conducted, if deemed necessary and resources permit.

[11] This is the *object* of the assessment and the scoping body should define it clearly. If not, there is a risk that inconsistencies will be introduced into the assessment process as assessment teams interpret it differently.
[12] Certain bodies may be particularly suited to fulfil a co-ordination role, e.g. in Scotland the SEA Gateway or in the Netherlands the EIA Commission

1.4 Stage 4 – Impact Evaluation

Whilst the impact evaluation exercise should always be conducted at the national level, it can also optionally be done at the regional / local level in order to establish impact significance in terms or regional / local policy objectives. The central aim of the evaluation stage is to be able to determine whether the potential impacts identified in the IAM(s) are significant, both, positive or negative and to comment on how expected impacts could be avoided or mitigated though e.g. changing the wording of either a directive proposal or the transposition into national legislation. To do this, the impacts identified and described in the IAM(s) should be interpreted in terms of their compliance with the various territorial policy objectives, using an Evaluation Table (Annex E). The procedure is outlined in full below:

a) Completing a regional / local level evaluation table

- An evaluation table can be completed (Annex E) by the regional / local level evaluation team, based on suitable policy objectives against which potential impacts identified in the IAM can be evaluated. These objectives can come from a variety of sources, including e.g. legal standards, but will more likely be drawn largely from regional/local planning documents. The key qualifying characteristic for these objectives is that they must outline a desired state or an agreed line of action relevant to the region / locality, and should normally cover social, economic and environmental as well as governance dimensions. Once these have been identified, they should be used to populate the relevant column of the Evaluation Table template provided.

- Following the structure of the Evaluation Table, for each of the identified objectives, the significance of the impacts detailed in the completed IAM should be defined. In each case the significance should be determined by considering both, the nature of the policy proposal's potential impacts, as well as the nature of the objective itself. Impacts should be defined in the Evaluation Table, using a 5 point scale (-2, -1, 0, +1, +2), reflecting whether the potential impacts are considered to be positive or negative for the objective concerned and the impact's degree of significance (neutral to high). If completed in a group setting, as is preferable to enhance objectivity, if different opinions are expressed, these should be reconciled through discussion. Each determination in the table should be accompanied by a written commentary and justification which should include, in each case, an explanation of the specific policy impacts in the IAM that have led to the significance determination given in terms of each objective, and if possible any suggestions for how impacts may be avoided or mitigated.

- In some circumstances, given the assessment criteria utilised in the IAM, it may be that impacts are not defined in a manner suitable for evaluation against particular objectives. In these cases, additional, more appropriate, assessment criteria can be defined and introduced into the impact assessment process through the IAM. In this respect, it is important to note that the assessment and evaluation stage is not a strictly one way process.

b) Completing the national level evaluation table

- The national level Evaluation Table should be completed in a procedure identical to that detailed above with two differences. Firstly, the policy objectives used in the evaluation table should include EU wide (Europe 2020) and nationally specific objectives, including the standard objective along the lines of *minimising negative and maximising positive impacts at the local / regional level*, in order to allow for the integration of outputs of the local / regional level evaluation process. Secondly, whilst the regional / local level evaluation is conducted using the outputs of a single IAM completed in the same region / locality, the national level evaluation will draw on the outputs of multiple IAMs completed in all the regions / localities targeted in the scoping process. Prior to beginning the national level evaluation process it is necessary to collect and amalgamate these outputs (see Annexes F and G).

- Following the national level evaluation, best practice dictates that a written summary of the results / outputs of the overall TIA process should be prepared and sent to local / regional level partners who participated in the TIA, if not to all regional / local authorities. This should include any possible suggestions for changes in the directive proposal in order to avoid or mitigate impacts.

2 TIA governance arrangements

In this section, governance arrangements, as introduced above are summarised. This is done in terms of the main TIA stages. Specific arrangements are likely to differ considerably between different member states (MS). Therefore, only a general outline is provided here.

3.5 Screening and Scoping

Screening should be led by central government departments, supported / guided by the department responsible for spatial planning / impact assessment (e.g. SEA). If there is an established national regulatory impact assessment methodology, as in e.g. the UK, where possible, TIA should be embedded within this.

Scoping should be facilitated by central government departments. They would either complete it with the support of other central government departments or (in particular in smaller MS) involve regional (devolved administration/ *Land* etc.) / local administrations / assessment teams. The national spatial planning department should support / guide scoping.

3.6 Impact Assessment / Appraisal

Impact Assessment / Appraisal should be done by regional (devolved administration / *Land* etc.) or local level planning bodies / authorities or, in particular in smaller EU MS, by central government in consultation with regional (devolved administration / *Land* etc.) / local levels. In this context, existing local planning processes and / or teams may be used. Regional (devolved administration / *Land* etc.) / local planning bodies / authorities would either be:

- Contacted directly by the responsible government department and asked directly to participate (i.e. 'targeted'); or be
- Responsible for taking the initiative themselves based on their own interpretation of the scoping outputs; if this was the case, a centrally managed web-based system may be used, sending out e.g. alert emails.

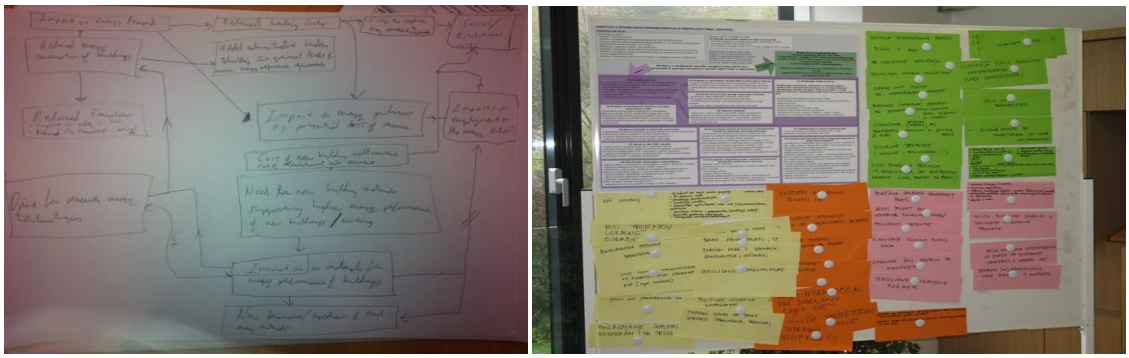
These bodies / authorities would be responsible for completing the Impact Assessment Matrix and for communicating this information to the national level, again, through e.g. a centrally managed web-based TIA system. Support could be provided by any suitable national or regional (devolved administration / *Land*) agencies.

3.7 Impact Evaluation

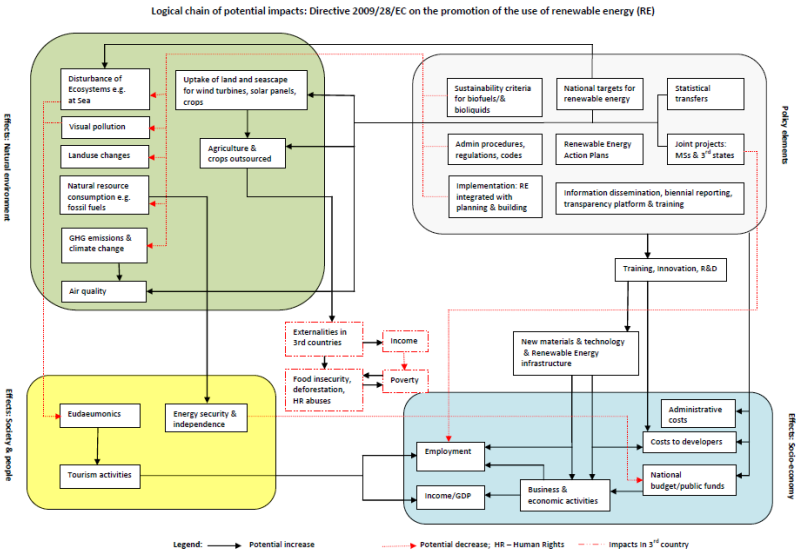
Evaluation of assessment results in terms of territorial policy objectives may be by the regional (devolved administration / *Land* etc.) / local body / authority conducting the assessment. However, this is optional and should be based on both, EU and national, as well as regional (devolved administration / *Land* etc.) / local policy objectives.

National Level evaluation is compulsory. It is led by central government departments, and may be conducted within existing RIA processes. These departments will be responsible for receiving, amalgamating and analysing information generated at the local level and for feeding this into the policy negotiation (potentially also) transposition process.

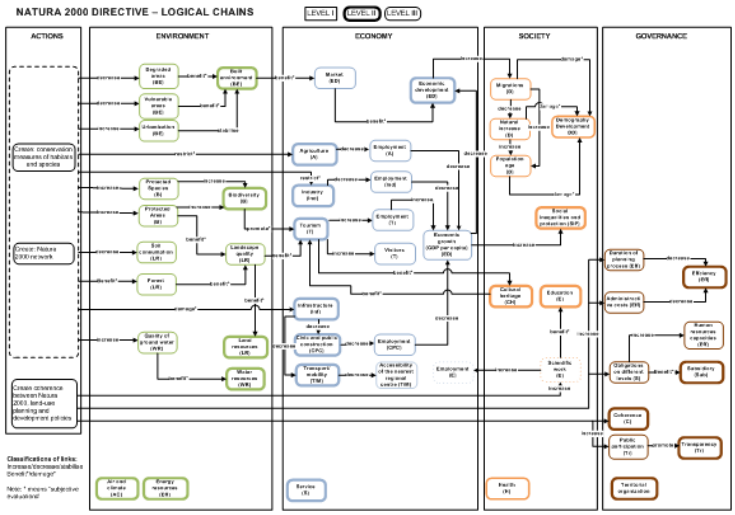
Annex A: Logical chains' examples



Hand-written 'back of envelope' example and workshop example



More elaborate 'designed' example



Highly complex 'designed' example

Annex B
Europe 2020 headline issues and corresponding possible TIA criteria

Headline issue	Target	Corresponding TIA criteria
Employment rate	75 % of the population aged 20-64 should be employed	• Employment
Investment in research and development	3% of the EU's GDP should be invested in R&D. The total gross domestic expenditure on research and development comprises: business enterprise expenditure on R&D, higher education expenditure on R&D, government expenditure on R&D and private non-profit sector expenditure on R&D.	• Investment in research and development
Greenhouse gas emissions	Reduction of the greenhouse gas emissions by 20% compared to 1990	• Greenhouse gas emissions
Renewable energy	Increase in the share of renewable energy sources in final energy consumption to 20%	• Renewable Energy
Energy efficiency	20% increase in energy efficiency	• Energy Efficiency
School dropout rate	The share of early school leavers should be under 10%	• Educational attainment
Higher education rate	at least 40% of 30-34 years old should have completed a tertiary or equivalent education	
Poverty rate	Reduction of poverty by aiming to lift at least 20 million people out of the risk of poverty or exclusion	• Poverty and social exclusion

Annex C

Checklist for screening (unshaded) & scoping (unshaded & shaded) at national level

	TERRITORIAL IMPACT ASSESSMENTSCREENING / SCOPING CHECKLIST	**Policy:_____** **If applicable, policy element:_____**			**Date: _____**
	Assessment criteria	**Likely major impact at the national or local level? Yes (√) no (x), uncertain (?)**	**Comments: nature of the impact and justification**	**Location/ features of areas likely to be affected?**	**If several policy elements are considered: Cumulative impacts**
EU2020	**Energy efficiency + renewables**				
	Innovation and research				
	Economic development				
	Employment				
	Education and training				
	Green house gases and climate change				
	Poverty and social exclusion				
	Resource consumption				
UK specific	Health and safety				
	Waste production				
	Administrative costs / burden				
	Cultural heritage				
	Biodiversity (flora / fauna)				
	Air pollution				
	Water Pollution				
	Soil pollution				

If several policy elements are considered, then a checklist for each element has to be prepared; the final 'cumulative impact' column is only prepared once, based on the assessments of each element.

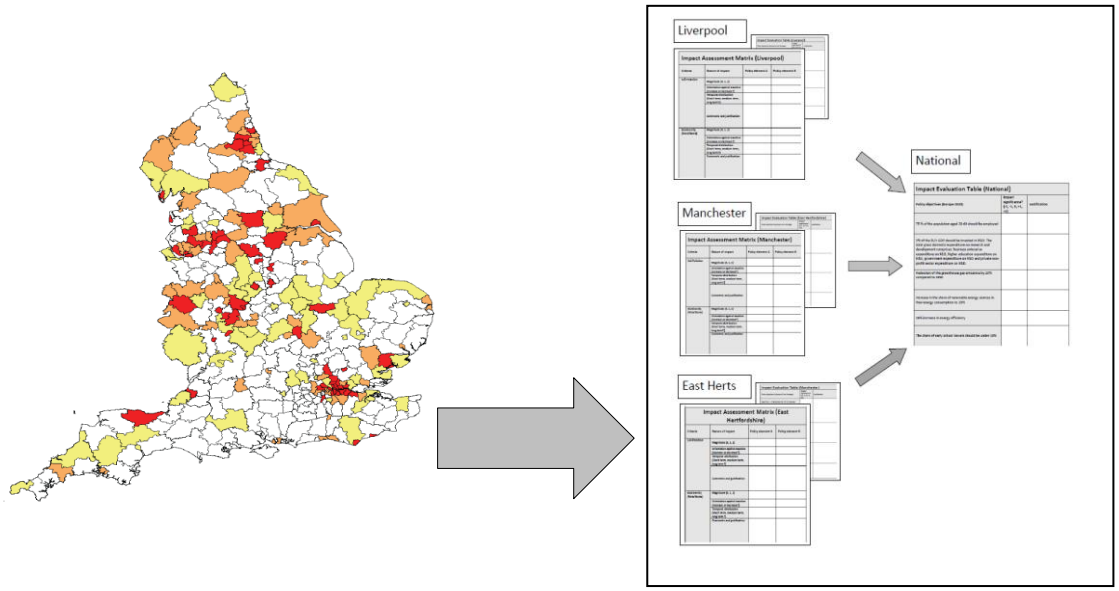
Annex D
Territorial Impact Assessment Matrix for Regional / Local Level Assessment

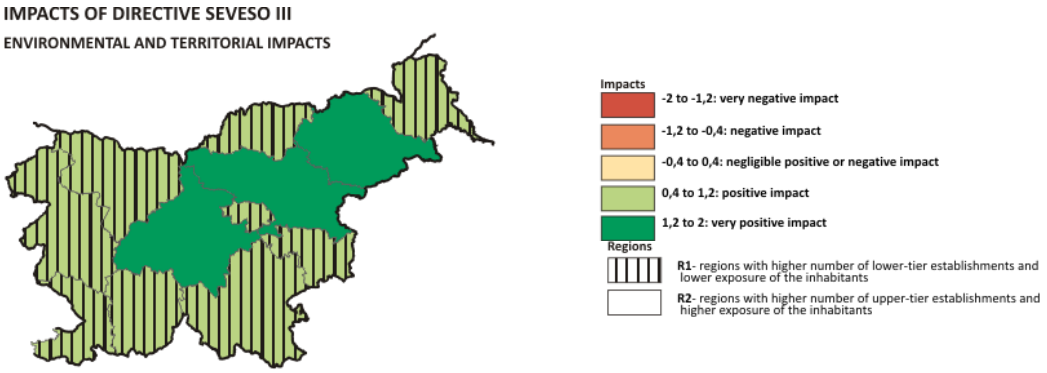
TERRITORIAL IMPACT ASSESSMENT MATRIX		**Locality:_____**		**Date: _____**	
Assessment criteria	**Nature of impact**	**Directive/Policy element A**	**Policy element B**	**Policy element C**	**Policy elements Cumulative**
Energy efficiency + renewables	**Magnitude (0, 1, 2)**				
	Orientation against baseline (increase or decrease?)				
	Temporal distribution (Short term, medium term, long term?)				
	Justification				
. . .	. . .				
				Overall Comments:	
				Any changes to Directive Proposal suggested?	

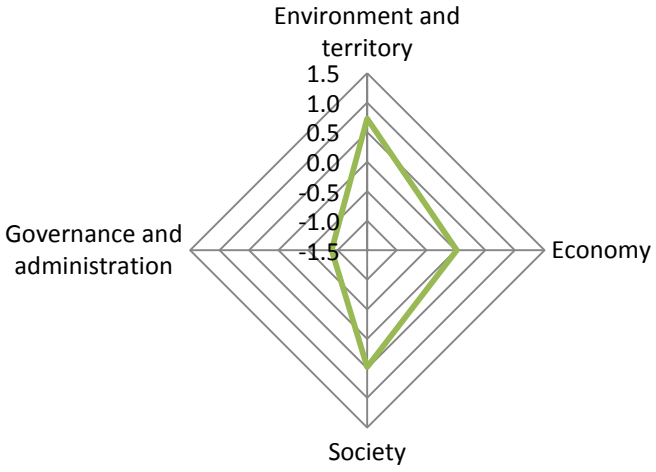
Annex E
Impact evaluation table for national level, and, if deemed necessary, regional / local level

TERRITORIAL IMPACT ASSESSMENT IMPACT EVALUATION TABLE	Policy:	Locality:	Date:
Policy objectives	**Impact significance? (-2, -1, 0, +1, +2)**	**Justification and comments (e.g. possible means of mitigation)**	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

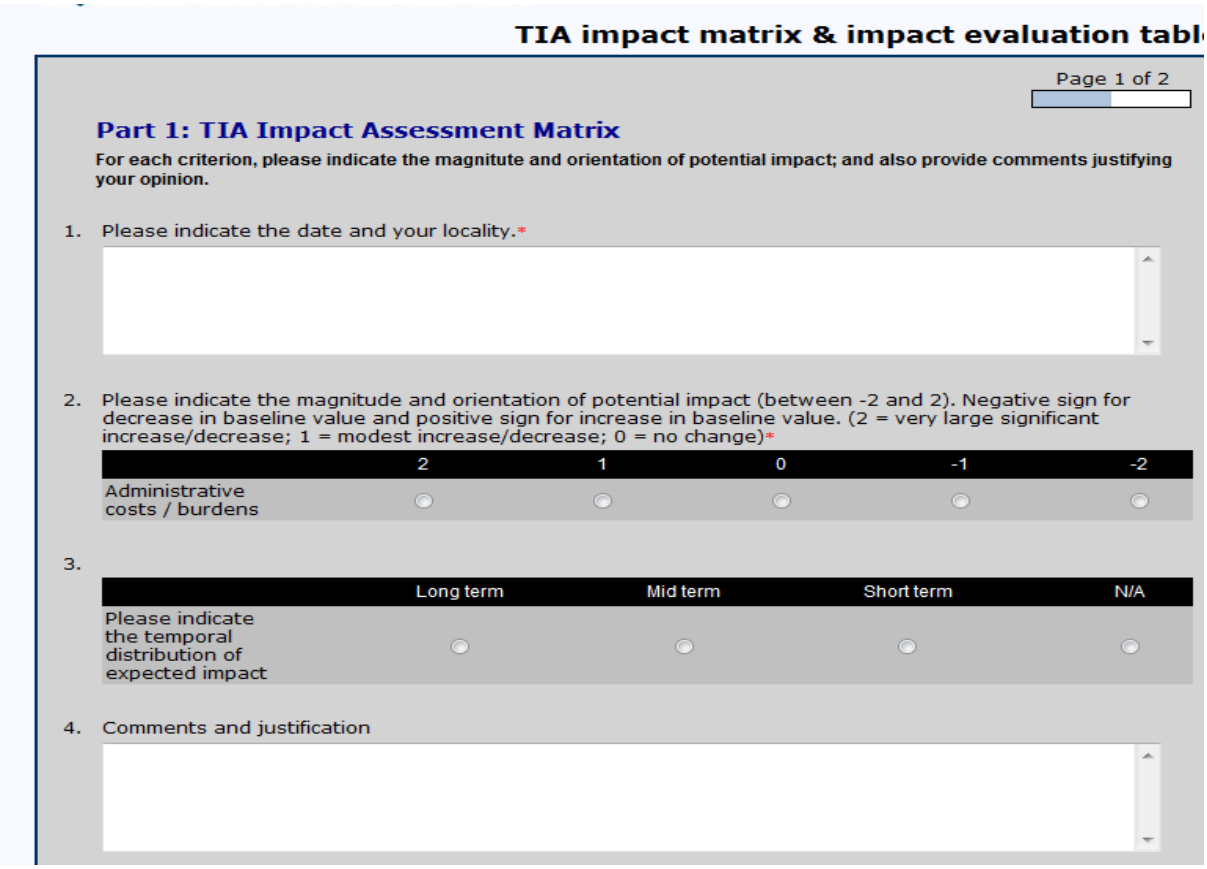
Annex F
Examples for collection of regional/local assessment data at national level in England and Slovenia and a radar chart, showing aggregate results







Annex G
Example for web-based template for feeding assessment result back to the national level (if many regions / localities are involved)



TIA impact matrix & impact evaluation tabl

Page 1 of 2

Part 1: TIA Impact Assessment Matrix

For each criterion, please indicate the magnitute and orientation of potential impact; and also provide comments justifying your opinion.

1. Please indicate the date and your locality.*

2. Please indicate the magnitude and orientation of potential impact (between -2 and 2). Negative sign for decrease in baseline value and positive sign for increase in baseline value. (2 = very large significant increase/decrease; 1 = modest increase/decrease; 0 = no change)*

	2	1	0	-1	-2
Administrative costs / burdens					

3.

	Long term	Mid term	Short term	N/A
Please indicate the temporal distribution of expected impact				

4. Comments and justification

D. TIA GOVERNANCE IN THE STAKEHOLDER COUNTRIES

Section D considers the governance context within which TIA might be applied in the three stakeholder countries. Suggestions are made for what the TIA governance arrangements may look like in the three stakeholder countries. This is done according to the main stages of the TIA process, i.e. for screening, scoping, impact assessment /appraisal and evaluation stages. In each case the suggested arrangements are also depicted diagrammatically (figures 1, 2 and 3).

1. Governance in the United Kingdom

1.1 Screening and scoping stages

In the UK, central government departments are already responsible for conducting what are known nationally as Impact Assessments (IAs – i.e. 'regulatory impact assessments') of EU measures that fall within their areas of policy responsibility. At present, these are used to inform (a) the UK's negotiating positions on draft directives and (b) national transpositions of EU policies. Whilst largely spatially insensitive, as a policy assessment tool applied to EU measures, this established procedure shares a number of similarities with the proposed TIA approach, requiring similar policy expertise and covering social, economic and environmental dimensions of impacts (HM Government 2011[13]). Given these similarities, and the fact that institutional arrangements for IA are already firmly established, there was general support in the UK national learning network workshops for embedding TIA within the existing institutional set-up for IA, with departments adopting responsibility for both screening and scoping and for the overall coordination of the TIA process.

That said, it was also concluded that the department responsible for spatial planning (the Department for Communities and Local Government), would be an important consultee for any department conducting, or considering conducting, a TIA. Given the spatial nature of TIA, this department would have invaluable expertise when considering whether the TIA approach could

[13] HM Government (2011) *IA Toolkit – How to do an Impact Assessment*. [Online]. Available from: http://www.bis.gov.uk/assets/biscore/better-regulation/docs/i/11-1112-impact-assessment-toolkit.pdf

be usefully employed (screening) and when identifying the spatial nature of potential impacts and the localities to conduct the assessment (scoping). This department would also have a lead role in promoting the approach across government.

1.2 Assessment / Appraisal stage

Given the proposed changes to the planning system in England, and due to the revocation of the regional planning level here, it has been assumed that the assessment / appraisal stage will be conducted at the local administrative level. Working from this basis, there has been general agreement throughout the national workshops that Local Planning Authorities (LPAs) would be well placed to adopt this responsibility. A number of reasons for this were put forward by practitioners at the learning network workshops, including that these will have sufficient knowledge of local issues to minimise the need for extensive data collection, and that they are uniquely placed at this level in terms of their familiarity with similar impact assessment tools which would minimise any possible training requirements. From a practical standpoint, it was felt that local planning teams could undertake the assessment / appraisal in a workshop or meeting set-up in the context of their responsibilities in the planning process.

Conducting the assessment / appraisal at the local level does, however, raise challenges. Chief among these will be the need to communicate with a large number of agencies – in England there are over 300 LPAs - and the need to manage the information produced, which depending on the proposal, could be extensive. With this in mind, there was widespread support amongst those consulted in the project for looking into the development of a dedicated web-based TIA platform in the UK. This should provide a mechanism whereby a description/explanation of the EU proposal and the screening and scoping outputs can be made available to LPAs and where LPAs can upload, or input directly, the results of the assessment / appraisal (and possibly evaluation) exercise. This would help minimise the volume of work that TIA would otherwise entail.

Whilst the above refers to England, a similar approach may also work in the devolved administrations, however most likely with some differences. In Scotland, for example, the SEA Gateway may take a co-ordinating role. The Northern Ireland executive may adopt a similar role. To what extent a similar co-ordination role of the devolved administration in Wales may be possible has not been established, yet. The section below on ‘TIA and devolution’ elaborates on this further.

1.3 Evaluation stage

At the national level, there was again general consensus in the national learning network workshops that government departments could adopt this responsibility, and so would initiate (screening and scoping) and conclude the TIA process (evaluation). Accordingly, the outputs of the TIA exercise would likely feed into the policy negotiation or transposition process in line with the existing IA procedure. There was also general agreement that, the optional, local level of evaluation could be a role that was undertaken by LPAs, particularly in light of the fact that local planning objectives would be a key means against which impacts would be evaluated at this level.

1.4 TIA and devolution

In line with the project specification, throughout the project, the focus of governance considerations has been on England as a case study area. Accordingly, TIA arrangements involving the devolved administrations will require further investigation on taking the approach forward. Nevertheless, it is possible to make a couple of suggestions here, based on the feedback from representatives of those devolved administrations:

- TIA could be undertaken by devolved administrations alone, which may be preferable, for instance, when used to inform the transposition of measures implemented separately from in the rest of the UK, or could be conducted collectively, with the devolved administrations cooperating to produce a UK wide TIA in which they would input into the various stages of the process and manage the assessment / appraisal and evaluation tasks conducted in their respective territories.

- Whilst TIA governance within the devolved administrations will likely follow the general principles outlined above for England, there are differences in administrative arrangements that will need to be accounted for. Indeed, these differences could present opportunities which should be fully utilised. For instance, it was mentioned over the course of testing the framework that the SEA Gateway in Scotland, which currently coordinates and provides advice on SEA, could fulfil a similar role in the case of TIA.

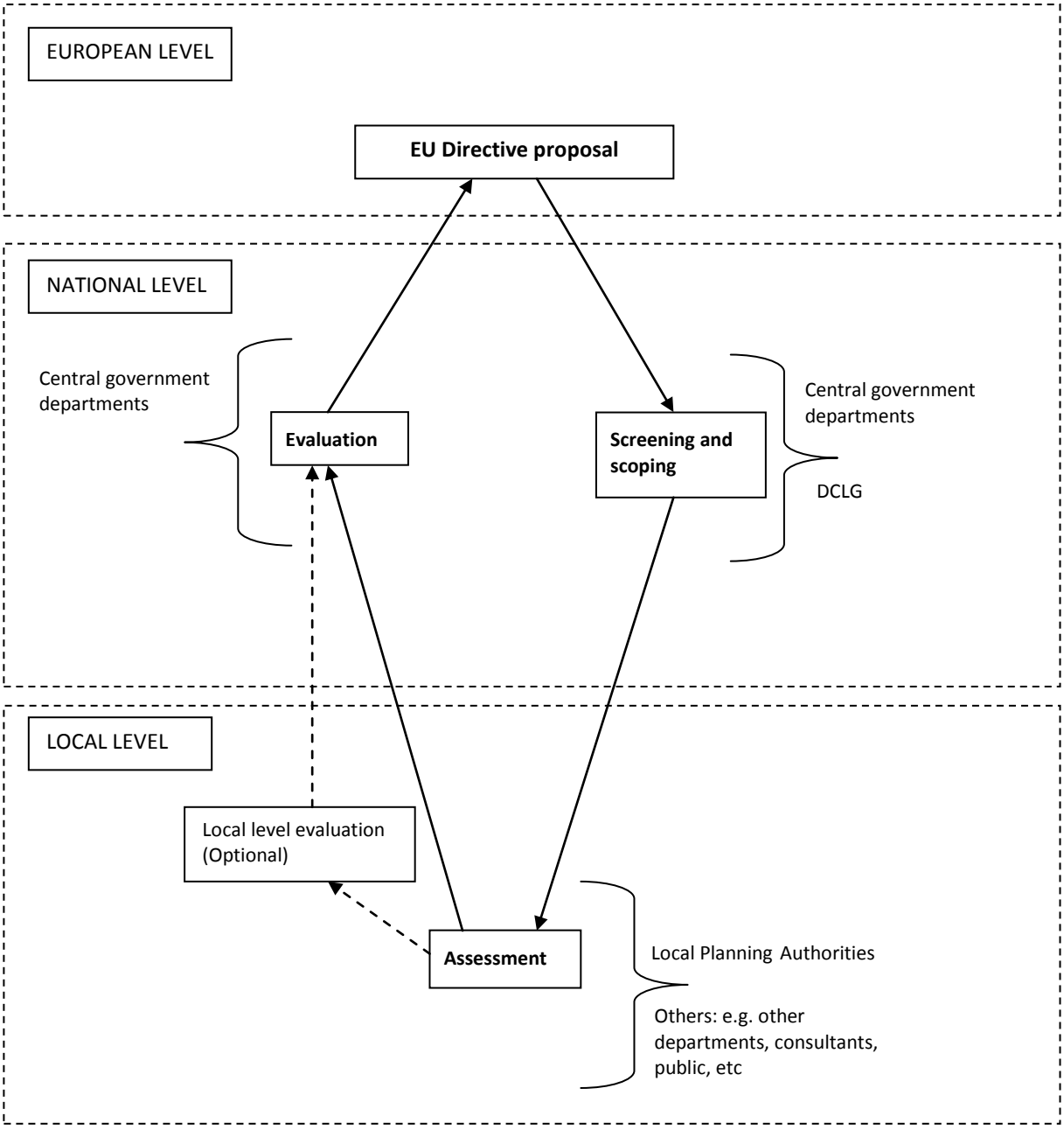


Figure 1: Diagrammatic representation of suggested TIA governance arrangements in the UK

2. Governance in Slovenia

In Slovenia, the Office for European Affairs[14] coordinates the preparation of the national negotiating position for any EU proposals, including draft directives. They distribute each proposal to the responsible party, which is the ministry preparing the position within the working group. There are 30 such established groups composed of representatives of all sectors (i.e. ministries) responsible for certain policy areas.

Responsibility for the whole TIA process would therefore be with ministries (departments/persons), responsible for the respective *dossiers*. The individual steps of TIA should be performed within the working group. Reflecting the European division of areas / policies, where spatial planning is not legislated at the EU level, the Ministry responsible for Spatial Planning[15] does not have responsibility for the preparation of national positions, but can participate in working groups established for the preparation of national positions. At present, the Ministry responsible for spatial planning is only active in two of these working groups (transport and agriculture) which may lead to a weak understanding of territorial aspects, inconsistencies and high variability of results elsewhere. We therefore recommend the Department for Spatial Planning be involved in as many of these working groups as possible.

Regulatory Impact Assessment (RIA) is conducted in Slovenia by the Ministry of Public Administration and is not part of the national position making process since it is performed in national law making. Therefore, it would make more sense to include TIA directly in the position preparation process.

2.1 Screening and scoping stages

Screening and scoping stages are to be performed as proposed above and coordinated by the respective Ministry. Working group meetings would be the basis for reaching a screening decision, and for conducting scoping, including filling in the scoping checklist.

2.2 Assessment / Appraisal stage

Due to a shortage of resources at the local level and weak organisational power at the regional (i.e. no administrative power) we recommend that in the

[14] From 2012 reorganisation of the government, the body, responsible for European affairs is a part of Ministry for exterior

[15] From 2012 reorganisation of the government, the body, responsible for spatial planning (Directorate for spatial planning) was moved to the Ministry for infrastructure and spatial planning

Slovenian case, the assessment should be coordinated by the national level in collaboration / consultation with regional/local levels. Those regions/localities should be targeted that are most likely to be affected by a directive proposal (identified in the scoping phase). Experts on the respective policy areas from other circles (e.g. research and education) should be invited to support the assessment.

2.3 Evaluation stage

The evaluation should again be coordinated by the Ministry responsible for the policy in question and should be done within a working group. The evaluation framework should consist of the territorial objectives listed in the Strategy of the Spatial Development of the Republic of Slovenia. Local level evaluation is optional, and can be useful in specific cases (such as the Habitats Directive).

2.4 Further notes:

Options for public participation should be provided; interest organisations (such as farmers associations, the Chamber of Commerce, NGOs as well as the general public) should have the opportunity to follow the procedure and its outcomes, and should be provided with an opportunity to make their opinions heard. At present, the level of involvement with the public in the preparation of a national position is at the discretion of the respective Ministry. Perhaps a public workshop could be organised to facilitate this or an internet based communication tool could be developed.

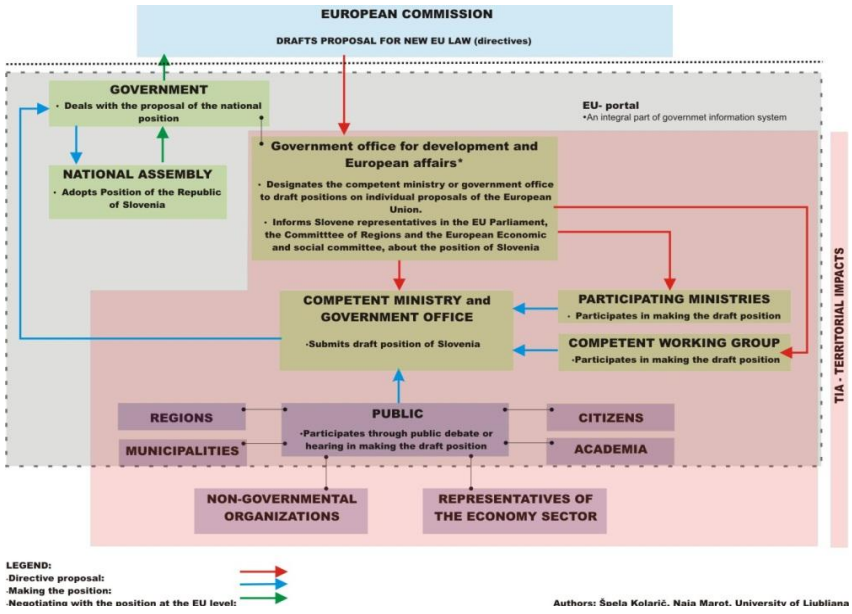


Figure 2: Scheme showing the Slovenian administrative and governance framework for TIA

3. Governance in Portugal

Bearing in mind the original purpose of creating a simple and robust TIA tool, within the pre-existing legal and institutional framework, the following presents the suggested governance framework for the TIA framework / methodology in Portugal.

3.1 Screening and Scoping stages

Screening and scoping stages should be led by the General Directorate for the Territory (Direcção Geral do Território), which is responsible for pursuing spatial planning and urbanism policies at the national level. This task should be supported by:

1) the Portuguese Environment Agency (APA – Agência Portuguesa para o Ambiente), which is the National Authority for environmental impact assessment and strategic environmental assessment;

2) sectoral bodies of public administration, selected according to the area a directive is covering; and

3) external experts in the field of a specific directive; however, there should be no formal requirement to do so and the necessity should be decided on a case-by-case basis.

3.2 Assessment / Appraisal stage

The assessment / appraisal stage (called 'analysis' in Portugal) should be conducted by regional planning bodies (CCDR – Comissões de Coordenação e Desenvolvimento Regional in continental regions and Autonomous Governments in Azores and Madeira islands). Similarly to screening and scoping stages, regional planning bodies should seek the assistance of stakeholders (institutional or non-governmental), but will have no obligation to do so. Again, it should be decided on a case-by-case basis.

3.3 Evaluation stage

The final stage of the TIA process should be undertaken at the national level by the national TIA coordinator (the body responsible for screening and scoping). This task consists of synthesising the different contributions made by the regions and looking at them from a national perspective, framed by development policies and national planning strategic documents. The output of this stage should be a TIA national report and should include feedback to respond to the initial EU directive draft, including suggested changes, supported by the findings of the TIA.

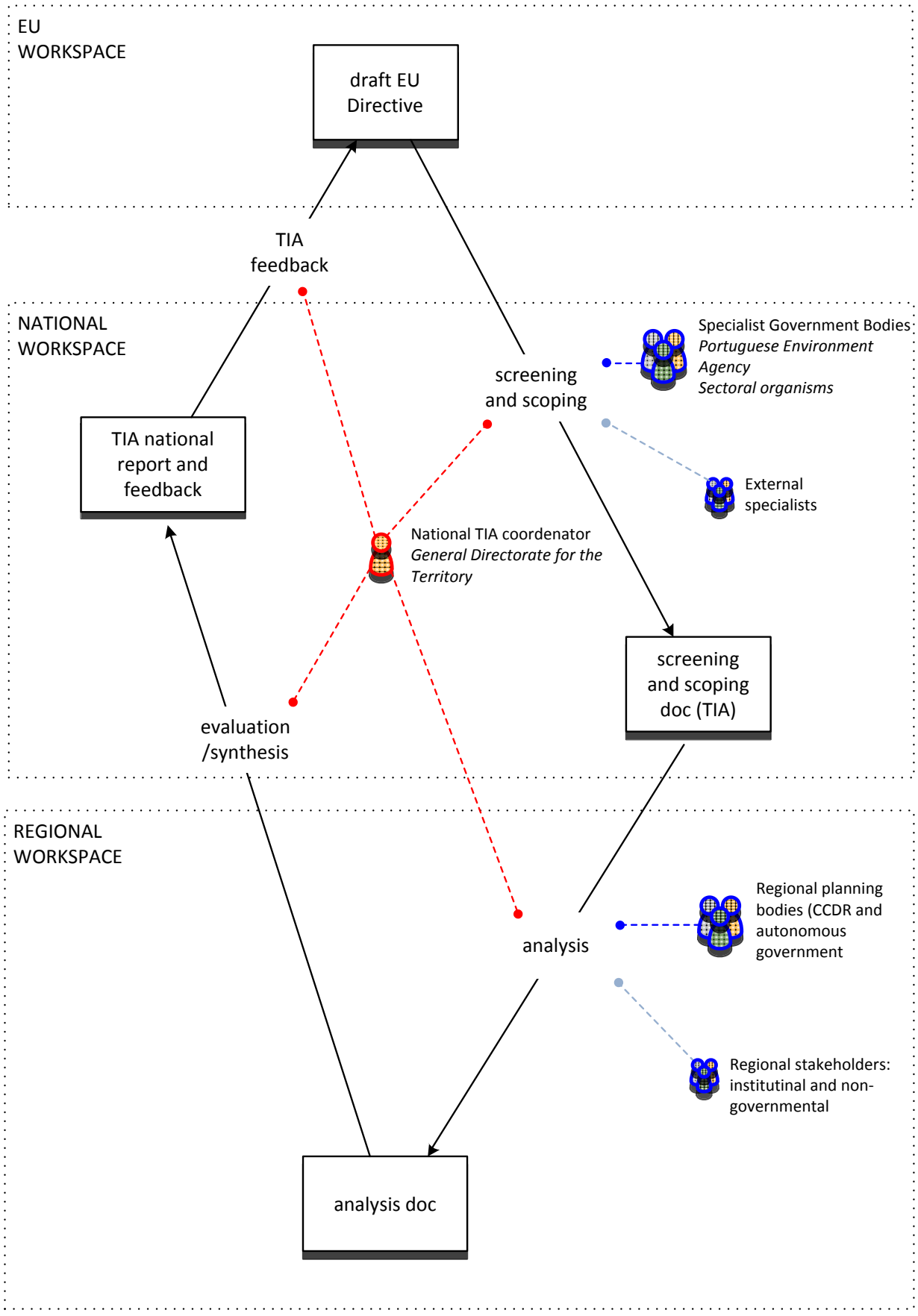


Figure 3: Suggested TIA governance arrangements in Portugal

SCIENTIFIC REPORT

E. CONCEPTUAL ISSUES

Section E on ‘conceptual issues’ is divided into four main sections. Section 1 outlines the process of arriving at a definition of territorial impact for the purposes of EATIA and presents the final definition which was reached following this process and feedback received during the learning network workshops. Section 2 then deals with conceptual matters related to the assessment approach including, territorial characteristics and typologies. Section 3 looks at the logical chains / conceptual models technique and section 4, finally elaborates on the definition of assessment criteria.

The annex to this Draft Final Report covers a range of issues and activities, in particular the TIA testing reports from the project partners and the final learning network minutes, which are presented as a form of questionnaire on our TIA framework / methodology.

1. From defining territorial cohesion to defining territorial impacts

In order to begin to formulate a framework for TIA, it was firstly necessary to define what is meant by the term 'territorial impact'. Since the beginning of the 1990s, the notion of territorial impact has been included in EU documents and policies such as the Treaty of Amsterdam (1997), the Treaty of Lisbon (2007), the Green Paper on Territorial Cohesion (2008), Europe 2020 and the Territorial Agenda 2020 (2011). It has also been analysed previously under the ESPON programme. A definition of territorial impact is needed for two reasons:

1. To decide on whether we should proceed with the TIA in a certain case, e.g. larger potential for territorial impacts exists/does not exists;
2. To evaluate the actual impacts of one policy, directives and/or respective measures

Assessment approaches refer to different definitions of territorial impact. A review of the existing literature showed that most definitions have in common a reference to a certain policy concept, in most cases this is territorial cohesion. This concept has been the subject of differing interpretations and a standard and shared definition has yet to be developed, but at its core it is seen as implying policy action to moderate development disparities between EU regions by applying measures which seek to unlock the intrinsic territorial potential present they possess. As Hübner (2011) stated “*each territory is endowed with a different growth potential and each territory needs tailor made policies to make the most of this potential*”. Similarly, from the ESPON INTERCO Project (ESPON, 2011: 1):

> "*Highlighting the rich diversity of European territory, territorial cohesion aims at turning this diversity into an asset for all places, thus ensuring a harmonious and balanced territorial development and contributing to a sustainable Europe*"

In 2010 the EU governments adopted a new overreaching EU strategy *Europe 2020* (CEC 2010a) which sets out three priorities in support of a 'vision of Europe's social market economy for the 21st. century', based on:

1. **smart growth** – developing an economy based on knowledge and innovation;
2. **sustainable growth** – promoting a more resource efficient, greener and more competitive economy; and
3. **inclusive growth** – fostering a high-employment economy delivering social and territorial cohesion.

In late 2010, the European Commission published *Investing in Europe's Future. Fifth Report on Economic Social and Territorial Cohesion* (CEC 2010) (the Fifth Cohesion Report) which considered the shape of EU Cohesion Policy after 2013, emphasising the contribution it and regions can make to the realisation of the goals of *Europe 2020*. It argued that the strategy's targets on innovation, employment and social inclusion, and environmental challenges and climate change *"cannot be achieved by policies formulated at EU or national level alone"* and can *"only succeed with strong national and **regional** participation and ownership on the ground"* (added emphases). The involvement of all scales of multi-level governance including the national and regional levels is thus encouraged. The Fifth Cohesion Report's emphasis on the need for territorially sensitive policymaking leads naturally to a consideration of the issue of assessing the territorial impact of policies. It is noted that *"Both policies with and without an explicit spatial dimension could benefit from an assessment of territorial impact"* and that *"Before deciding on a particular policy, such an assessment could show in a quantitative or qualitative way which areas or regions might face the highest costs or enjoy the largest benefits"*.

In May 2011, EU Ministers responsible for Spatial Planning and Territorial Development adopted a revised version of the Territorial Agenda of the European Union entitled 'TA2020' (2011), noting that:

> "*We believe that territorial cohesion is a set of principles for harmonious, balanced, efficient, sustainable territorial development. It enables equal opportunities for citizens and enterprises, wherever they are located, to make the most of their territorial potentials*"

and that:

> *"Territorial cohesion reinforces the principle of solidarity to promote convergence between the economies of better-off territories and those whose development is lagging behind"*.

The Ministers also commented that *"Territorial cohesion complements solidarity mechanisms with a qualitative approach and clarifies that development opportunities are best tailored to the specificities of an area"*. Reflecting this, the theme of territorial policy coherence was also stressed in the TA2020 with it being noted that *"Efficient interplay of sectoral policies can be supported by their coordination at each territorial level"* and that *"Territorial coordination should be supported by instruments such as assessment of territorial impacts, coordinating planning mechanisms and territorially sensitive monitoring"*. Hence, an instrument and a measurement is needed to "territorialise" policies in order to define their intended and unintended potential effects, and the unexpected conflicts with local conditions or existing policies.

The concept of territorial cohesion therefore incorporates both substantive territorial objectives and a procedural/governance orientation concerned with ensuring that territorially significant policies are coherent in the way that they impact on given territories. In developing a definition of territorial impact both of these dimensions needed to be borne in mind.

In developing a way of assessing territorial cohesion across different territories, the ESPON TEQUILA project conceptualised the relationships between territorial cohesion and sustainable spatial development and in doing so significantly moved forward the conceptual underpinnings of TIA. The TEQUILA approach uses three composite indicators to seek to capture; (1) 'territorial efficiency', (2) 'territorial quality' and (3) 'territorial identity'. Camagni (2005) elaborates on the link to the domains of sustainable development, noting that:

> "*It is our opinion that, if the concept of territorial cohesion is to add to the content of economic and social cohesion, it must necessarily be linked with the sustainability issue. In short, territorial cohesion may be seen as the territorial dimension of sustainability. Like the concept of sustainability, it has a positive and a normative connotation at the same time (i.e., it defines a condition and a policy goal) and operates by integrating different dimensions: economic, social and environmental"*

The Territorial Cohesion Green paper of 2009 similarly argued that the concept of territorial cohesion "*builds bridges between economic effectiveness, social cohesion and ecological balance, putting sustainable development at the heart of policy design*". More recently, the ESPON INTERCO project (2011) has built sets of indicators "*that could be used to support policy makers in measuring and monitoring territorial cohesion related to European territorial development*". These seek to capture six main policy-oriented territorial objectives:

- strong local economies ensuring global competitiveness
- innovative territories
- fair access to services, markets and jobs
- inclusion and quality of life
- attractive regions of high ecological values and strong territorial capital
- integrated polycentric territorial development

Previous work has thus sought to make links between the concept of territorial cohesion, sustainable development and TIA. Table 1 draws on Waterhout's (2007, 2008) identification of four defining 'storylines' of territorial cohesion to summarise these links. The left-hand column identifies the four defining storylines; the second column their substantive or procedural orientation; column three the equivalent sustainability and Europe 2020 objectives; column four the TEQUILA criteria; and, column five the INTERCO territorial objectives.

Table 1 – Territorial Cohesion (TC) and Sustainable Development

TC 'storyline' (Waterhout, 2007) / Dimension	Orientation	Sustainability & 'Europe 2020' Elements	Territorial Agenda 2020 –	TEQUILA	INTERCO Territorial Objectives
Europe in Balance – addressing regional disparities, securing universal access to services of general interest, and, promoting a 'polycentric' pattern of development in Europe	Substantive	*Society* *Inclusive Growth* – fostering a high-employment economy delivering social and territorial cohesion	Promote polycentric and balanced territorial development Encouraging integrated development in cities, rural and specific regions Territorial integration in cross-border and transnational functional regions Improving territorial connectivity for individuals, communities and enterprises	'territorial efficiency'	strong local economies ensuring global competitiveness innovative territories fair access to services, markets and jobs inclusion and quality of life integrated polycentric territorial development
Coherent European Policy – securing effective horizontal coordination of EU policies so that these do not generate contradictory territorial impacts 'on the ground'	Procedural / Governance (ex ante TIA)	Integration of Sustainable Development Elements	Encouraging integrated development in cities, rural and specific regions Territorial coordination of policies Territorial matters into account in EU impact assessments		

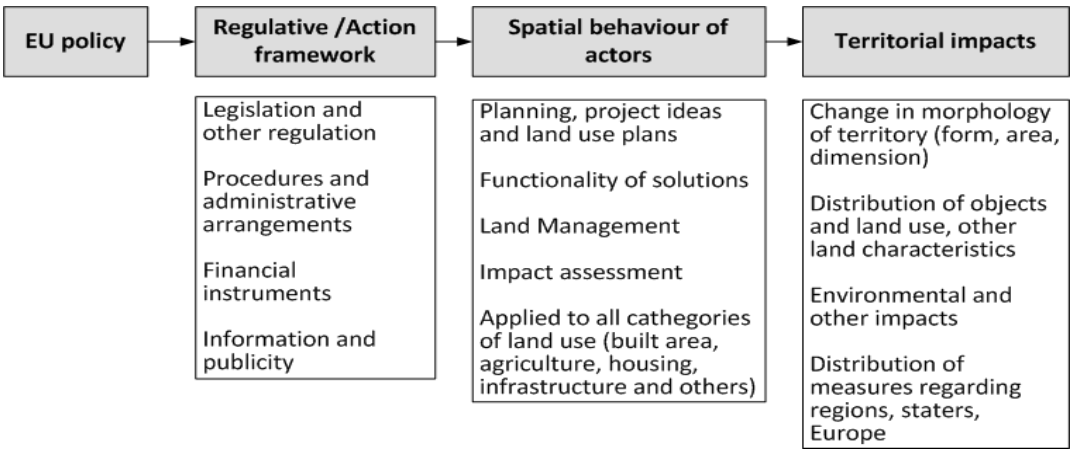
			Consideration of territorial impacts and the territorial coordination of policies at national and regional levels.		
Competitive Europe – focussing on competitiveness in the global context by fostering the diverse territorial potential/capital of places in Europe so that they can 'make the most' of their intrinsic attributes, creating life-chances for their citizens and contributing to overall European competitiveness	Substantive	*Economy* *Smart Growth* - developing an economy based on knowledge and innovation	Ensuring global competitiveness of the regions based on strong local economies Improving territorial connectivity for individuals, communities and enterprises Managing and connecting ecological, landscape and cultural values of regions	'territorial efficiency' 'territorial quality'	strong local economies ensuring global competitiveness innovative territories
Clean and Green Europe – relating to sustainable development and management of the natural environment including climate change, environmental protection and sustainable energy production	Substantive	*Environment* *Sustainable Growth* - promoting a more resource efficient, greener and more competitive economy	Managing and connecting ecological, landscape and cultural values of regions	'territorial quality'	attractive regions of high ecological values and strong territorial capital

In the EATIA project, the definition of territorial impact that has been adopted draws on the conceptual issues discussed above notably on definitions and debates on the meaning and goals of territorial cohesion and previous ESPON work on TIA (TEQUILA, ARTS and INTERCO). Specifically the definition adopted encompasses economic, social and environmental aspects of territorial development as well as procedural dimensions of the territorial cohesion concept (i.e. policy coherence and governance issues). The definition was discussed extensively during the second round of interactive learning network workshops held in Spring 2011 (see Annex 2 of the Interim Report). The following paragraphs elaborate further on the issues considered in developing the definition of territorial impact and present the final definition adopted as well as a definition of TIA which draws on this.

In the ESPON ARTS project, territorial impact was defined through the vulnerability concept. As such, '*territorial impact is the potential effect (in the future) of a given EU policy or directive as a consequence of field exposure, regional exposure and regional sensitivity. Basically the potential impact can be direct or indirect along specific cause-and-effect logical chains*.' In this the 'exposure' describes the intensity by which EU directives and policies affect European regions, integrating particular 'fields' of the territorial realm, e.g. surface water quality, emissions, sectoral productions etc. 'Sensitivity' tells us how single territories are sensitive to, or evaluate, impacts in specific exposure fields due to their economic and geographical characteristics and the social values and priorities that they are likely to show.

The most common way of approaching the definition is from an assessment perspective. Thus, in this case, we are essentially answering the question: '*What are the potential impacts that could arise in the EU member states from the introduction of EU policies or directives'*. We could approach this question in two different manners, firstly, to evaluate the impact solely by its spatial dimension and the actual physical evidence, or secondly, by taking into account a more extensive scope of including also governance and development aspects. The governance aspect of territorial impact is often neglected in assessments, although as shown diagrammatically by Tennekes and Hornis (2008) (figure 4) governance can also explain to some extent what happens between the EU policy – the actual document – and the final territorial impact.

Figure 4: Administrative aspects of territorial impact



Source: Tennekes, Hornis, 2008, p. 18

Drawing on the issues discussed in this section, the definition adopted is as follows:

> ***'In the context of the EATIA project a 'territorial impact'[16] is essentially considered to be any impact on a given geographically defined territory, whether on spatial usage, governance, or on wider economic, social or environmental aspects, which results from the introduction or transposition of an EU directive or policy'***

Accordingly:

> ***'Territorial impact assessment is interpreted as an ex-ante mechanism that can be used to identify such impacts at national, regional and local levels in Member States to help identify potential policy conflicts or inconsistencies. It can also identify the differential nature of potential impacts between different places and in this sense it can provide a means of considering the spatial dimension of EU policy impacts'.***

The following section considers other conceptual and methodological issues that have informed the development of the EATIA framework.

[16] *These impacts may be of a direct, indirect, intended, unintended, positive, negative or cumulative in nature.*

2. Territorial characteristics and typologies

When possible territorial impacts of a directive have been identified in the first stage of the scoping process (see section C: Generic TIA Guidance), attention needs to be paid to considering the type of regions / localities where impacts would be either most evident, or most uncertain.

The exposure to territorial impact will largely be conditioned by the intrinsic territorial characteristics of different regions and localities. Our EATIA approach takes this into account and, in this context, has been informed by previous ESPON research, notably the ARTS project which developed the notions of *Regional Exposure* and *Sensitivity Matrices.* This considered the exposure and sensitivity of single regions to EU directives. An ARTS based exercise conducted at the EU level could thus also help national bodies to identify those regions/localities most likely to be affected.

Characteristics of territories affect the degree to which these are exposed to the effects of a given directive. It is noted by the ARTS project that '*a directive could touch only particular regions – e.g. coastal regions, peripheral regions, regions with presence of particular' industrial production facilities 'like nuclear power plants*'. In the EATIA approach, during the scoping phase of the assessment, once the likely causal effects of a directive have been mapped out through the logical chain analysis, relevant territorial characteristics which relate to such effects can be established.

The ESPON ARTS project has developed a list of indicators of regional exposure, based primarily on the ESPON database, which may prove useful. However, it was agreed amongst the project team partners that the key issue for the EATIA approach was on how to relate the potential impacts of directives to real places and real scales. The ESPON typologies provide a useful first filter which may direct attention during the scoping stage to certain areas of a member state's territory. However, the strength of the EATIA approach is seen in its capacity to inform understanding of potential territorial impacts based on 'bottom-up' input from local and regional stakeholders. There was consensus amongst the members of the learning networks that there should also be an option of using indicators available at national, regional and local scales for evaluation purposes.

There was agreement among TPG team members that given the differing sizes and administrative geographies of member states, existing ESPON typologies may provide more or less useful characterisations of territories for the purposes of assessing the potential impacts of EU directives. Also, given the brief for the EATIA project, there was felt to be a need to allow the use of indicators and typologies that resonated with, and were familiar to,

policymakers at the local and regional scales of governance, i.e. they are likely to differ from ESPON typologies.
An aim of the EATIA approach is to allow fine-graining of a territorial understanding of local and regional stakeholders in order to inform the development of territorially sensitised member state negotiating positions in the process of drafting EU directives. In this sense, there was felt to be a need to allow the adoption of typologies and indicators that were relied-upon by policymakers in shaping their understanding and perception of their territories.

Given that the possible causal effects of a directive are the starting point in the reflection on what kinds of territories might be impacted by its adoption, it seemed logical to tailor the selection of indicators/typologies to the case of each directive. The indicator of typology thus needs to describe an attribute of a territory considered to be relevant (e.g. like to be affected by) in light of the possible effects of the directive. This does not mean, however, that indicators or typologies developed in relation to a given directive might not also be useful in relation to another.

The preliminary identification of types of localities where impacts may be particular marked during scoping may subsequently change in the assessment and evaluation phases.

1 - In a "case study based" approach, a number of most exposed regions (i.e. identified as being likely to be susceptible to territorial impacts as the result of a given directive) are examined in close detail. Since territorial impacts are highly context dependent, the results cannot be extrapolated to other regions, therefore such approach yields information for observed regions, but cannot be generalised to the rest of the country. This may, however, be a viable approach when there is sufficient confidence that impact will occur only (or predominantly) in certain regions; for example, coastal or island regions for fishery policies. It will be particularly time and resource efficient if selection is informed by extant national and regional datasets which align with administrative areas. The localities could be selected using existing typologies, or in an ad-hoc fashion, using those criteria that are most relevant for a given directive (for example: share of area under NATURA2000 designation for the Habitat Directive). Areas might then be selected as being ‘extreme/deviant’; maximum variation; critical, or paradigmatic cases in terms of the possible impacts of a directive. The outcomes of the assessments conducted in such areas would help to inform the negotiating position of the member state in relation to a directive. This approach does not provide comprehensive coverage, but the use of the results of the assessments can provide

greater detail and nuanced appreciation of the possible impacts of a directive. The cases of selected regions/localities could be considered to be 'tests' of the assumptions that territories with certain characteristics are likely to be particularly exposed to the impacts of a given directive. The cases would provide evidence to supplement the 'hypothetical' causal effects identified by the logical chain analysis by confronting/complementing these assumptions of causality with 'bottom-up' territorial experience, data and perceptions.

2- Alternatively, the whole territory (i.e. country) may be divided into appropriate territorial units, preferably corresponding to existing administrative boundaries (for example NUTSIII or LAU). These units are then grouped in clusters of regions sharing some similar characteristics. The assessment and evaluation of impacts is then done for a cluster of regions with results being generalized for all regions in a cluster (see the Slovenian approach to scoping in Annex 2). Clustering can be done, based on an existing typology (using criteria such as urban/rural or level of economic development). Alternatively, no specific typology is used and the clustering is done ad-hoc in the TIA scoping phase, using criteria, which are most relevant for the observed policy (for example: share of area under NATURA2000 designation for the Habitat Directive; data on new construction permits and the age of the building stock and for the directive on the Energy Efficiency of Buildings; data on soil erosion and denudation for the draft Framework Soil; the density/number of buildings and facilities listed as SEVESO II sites and installations for the SEVESO II directive). The results from this approach are less exact for an individual region, but they bring a better overall picture regarding the distribution of impacts across the whole territory.

3 – Finally, there may be cases when preliminary identification of types of regions/localities where impacts may be particularly significant is difficult or highly uncertain. The option then is to assess and evaluate impacts in each of the territorial units (NUTS, region or other) individually. While this may be a burdensome and lengthy task, especially when there are many territorial units, it will yield most exact and relevant results regarding impact in each individual unit as well the distribution of impacts and their relevance for territorial cohesion.

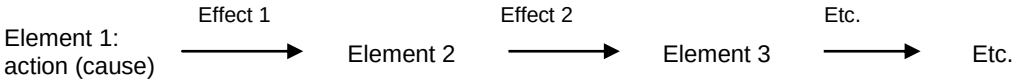
The choice of approach will depend on contextual factors, including data-availability, resource issues, the administrative decoupage of the territory, and the form of extant processes of impact assessment of policy proposals (i.e. distribution of competences and responsibility for these between administrative scales).

3. Logical chains / conceptual models

The logical chain / conceptual model approach is a supporting tool which can be used to facilitate the completion of the checklists and matrices employed in the TIA methodology. The approach was utilised previously in the ESPON ARTS project.

Logical chains are essentially used to register people's mental models (including knowledge and assumptions) regarding causality, that is, cause-and-effect relationships. They are often chosen for their advantages such as turning ideas visible (and hence, inter alia, communicable, editable, verifiable, and open to judgement) and facilitating reasoning and argumentation. In the context of the TIA methodology, they are used to facilitate the identification of policy impacts on various dimensions of a territory.

The technique is highly flexible and can be implemented from `mix-and-match', `ad hoc', or `no rules' approach, to more structured approaches (e.g. with special semantics and syntax rules) such as the `descriptive causal diagrams' (DCDs) employed in the Portuguese application (Perdicoulis, 2010[17]):



The benefits from logical chains are proportional to the investment: less structured approaches are likely to make diagramming (`coding') easier and quicker, but at the same time can introduce uncertainty in the diagrams and their subsequent reading (`decoding'). Ultimately, the degree of complexity to which it is applied, and its style of usage, should be tailored to the specific needs of those conducting the assessment.

3.1 Experiences from testing

The Portuguese `testing workshop' (Lisbon, December 2011) assumed the responsibility to reduce the uncertainty in all information presented diagrammatically - that is, not only causal diagrams (logical chains), but also process diagrams (e.g. for TIA). The options of choice were `concise process diagrams' (CPDs) and `descriptive causal diagrams' (DCDs), respectively. Evidence from the workshop suggests that with (a) sufficient preparation (e.g. brief explanation of the semantics and syntax rules) and (b) a structured logical chain language (e.g. DCDs), logical chains facilitate thinking and

[17] Perdicoulis A. (2010) *Systems Thinking and Decision Making in Urban and Environmental Planning*, Cheltenham: Edward Elgar.

communication within the group, and produce results quite fast. Overall, in the above conditions, logical chains appear to increase the efficiency of impact assessment. Interestingly, participants at the Lisbon workshop suggested that they were willing to try a software-based version of the approach, considering this to be more flexible than the paper-based version they used.

Logical chain testing in the UK and Slovenia was straightforward and was based on initial brainstorming sessions. None of the participants had any major problems with the approach and there was consensus that this would be a highly appropriate TIA technique.

4. Defining assessment criteria

In the TIA methodology assessment criteria are used to represent territorial characteristics on which impacts could be felt. Over the course of the project the approach taken to defining these criteria has undergone a number of changes.

As outlined in the EATIA's project interim report, criteria were first drawn from the 'exposure fields' utilised in the ESPON ARTS project. This approach was believed logical given that they were designed to be used for a similar purpose and reflected closely the adopted definition of territorial impact covering social, economic, environmental and governance dimensions. This list was then put to members of the national learning networks in each of the stakeholder countries in the second series of workshops who then provided their inputs. The result of this exercise was a long list of possible criteria as partners in the different stakeholder countries and reflected different preferences on what constitute important territorial characteristics and how they should be framed. This list was presented in the Interim Report. Since then, due to some slight changes in the methodology, the approach to defining criteria has evolved further.

Following the submission of the Interim Report, it was agreed through discussions between the SC and TPG, that the TIA approach should include an explicit evaluation stage as part of the process, during which identified impacts are evaluated for consistency with policy objectives at different administrative levels - European, national and regional / local. Whilst this was mentioned in the Interim Report, it was not presented as a specific stage of the TIA process.

In light of this development, it was recognised that in order to ensure that this can be done efficiently, criteria employed in the assessment clearly need to reflect closely, from the outset, the policy objectives against which impacts are going to be evaluated. Given that policy objectives between the stakeholder countries differ, and indeed do not remain stationary over time, it was consequently believed to be less important for the project to propose a specific set of criteria on which to base a TIA, rather to outline a set of principles that Member States should follow when selecting these criteria, these are as follows. Criteria should:

1. Closely reflect, and be derived from, relevant national, regional / local policy objectives (e.g. national, regional or local planning objectives).
2. Cover economic, governance, environmental and social dimensions of a territory.

3. Include certain *particularly* important territorial dimensions e.g. 'human health and safety'.
4. Be clearly defined in order to ensure that assessments are conducted consistently and are not skewed due to differing interpretations by different assessment teams.
5. Not normally number more that 20 to ensure feasibility.

That said, it was, nevertheless believed that there was a need for a number of criteria derived from EU level goals / objectives, that should form a core set. This set of criteria should be employed in all national assessments and would provide a means of comparing policy impacts between EU member states. Whilst this set should be updated over time, the following list of criteria has been derived from Europe 2020 and could be used for this purpose:

- Employment[18]
- Investment in research and development[19]
- Green house gas emissions[20]
- Renewable energy[21]
- Energy efficiency
- Educational attainment[22]
- Poverty and social exclusion[23]

[18] The employment rate of the population aged 20-64.
[19] Encompasses: business enterprise expenditure on R&D, higher education expenditure on R&D, government expenditure on R&D and private non-profit sector expenditure on R&D.
[20] Comprises: Carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and the so-called F-gases (hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride (SF6)).
[21] Share of renewable energy in energy consumption.
[22] Considers the percentage of the population aged 18-24 with at most lower secondary education and not in further education or training and the share of the population aged 30-34 years who have successfully completed university or university-like (tertiary-level) education.
[23] Comprises: People living in households with very low work intensity, people at-risk-of-poverty after social transfers and severely materially deprived people.

Annex 1

United Kingdom Testing Report

In the UK, testing was undertaken on two fronts:

(1) *Internally*; conducted within the project team; this covered all stages but principally screening and scoping and the national level evaluation - stages that we anticipate would be undertaken by central government departments, and

(2) *Externally*; undertaken by practitioners involved in the project through the national learning network. This covered the assessment and local/regional evaluation stages.

Whilst external testing was not an original objective of the project, this was a response to the willingness of some members of the learning network to be engaged more actively in the project and allowed testing to directly involve representatives of agencies who could have a practical role in the TIA process under the proposed framework.

Despite the framework being designed for the ex-ante assessment of EU draft directives (and policies), given the relatively limited time available for testing, it was agreed that it would be most practical to test the framework by applying it to EU directives in a 'mock' ex-ante fashion, i.e. treating adopted directives as if they were proposals. As in the other two stakeholder countries, the directives chosen for this purpose came about from discussions between the national stakeholders, the TPG and members of the national learning networks. The following were identified:

1. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive);
2. Directive 2009/28/EC on the promotion of the use of energy from renewable sources (Renewable Energy Directive);
3. Directive 2010/31/EU on the energy performance of buildings (Energy Performance of Buildings Directive)
4. Directive 2009/72/EC concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (Electricity Directive)[24].

The priority in testing was not to produce an accurate assessment of the directives under question, indeed, this wouldn't have been practical, but rather

[24] This directive wasn't fully assessed due to the limited time available in the assessment and evaluation workshops.

to use them to explore and evaluate various aspects of the framework[25]. Hence, whilst examples of completed checklists and matrices developed during testing are included in this report, the presentation of assessment results is not prioritised, but rather the practicalities of using the technique. Furthermore, the TIA framework /methodology has evolved as a direct result of the testing process so it should be noted that the procedure followed in testing differs in some respects from that which is now being advocated. In the following sections the format of the testing process is briefly outlined and following this the main outputs/findings are summarised.

Format of the testing process

Screening and scoping

Whilst in practice, screening and scoping should be a central government department's responsibility, for the purpose of testing, these stages were undertaken internally by members of the national project team. For each directive both of these activities were undertaken collectively by three to four team members and were completed in around five hours.

For each directive, screening was undertaken using the logical chain approach. These chains were initially hand drafted in a participatory setting following an approach similar to that advocated in the ESPON ARTS project (figure 1), but were subsequently refined and digitised for reporting purposes (figure 2). Scoping was again undertaken in a participatory manner within the project team following the format of the scoping checklist.

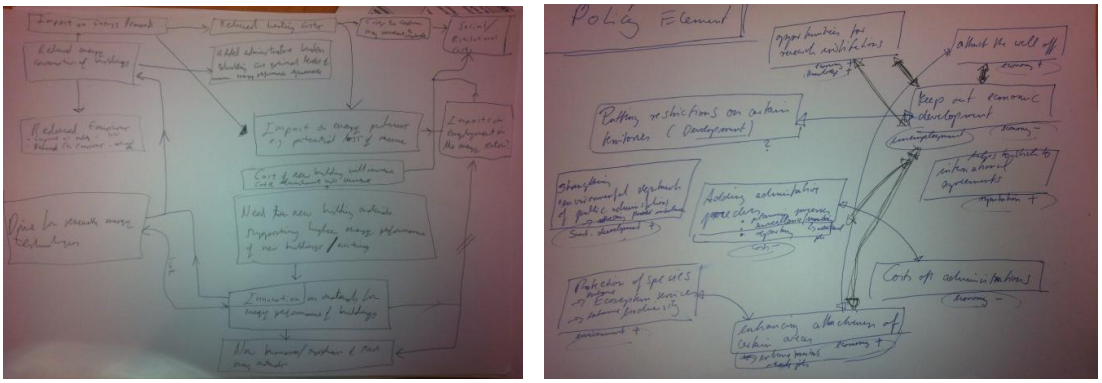


Figure 1: Examples of hand dawn logical chains produced in the TIA screening process

[25] Operationalising the framework would require further in-depth testing involving all stakeholders and engaging with the real time policy development process. In this respect, participants in the final UK workshop mentioned setting up a voluntary network of LPAs that would be willing to collaborate with central government in more in-depth testing.

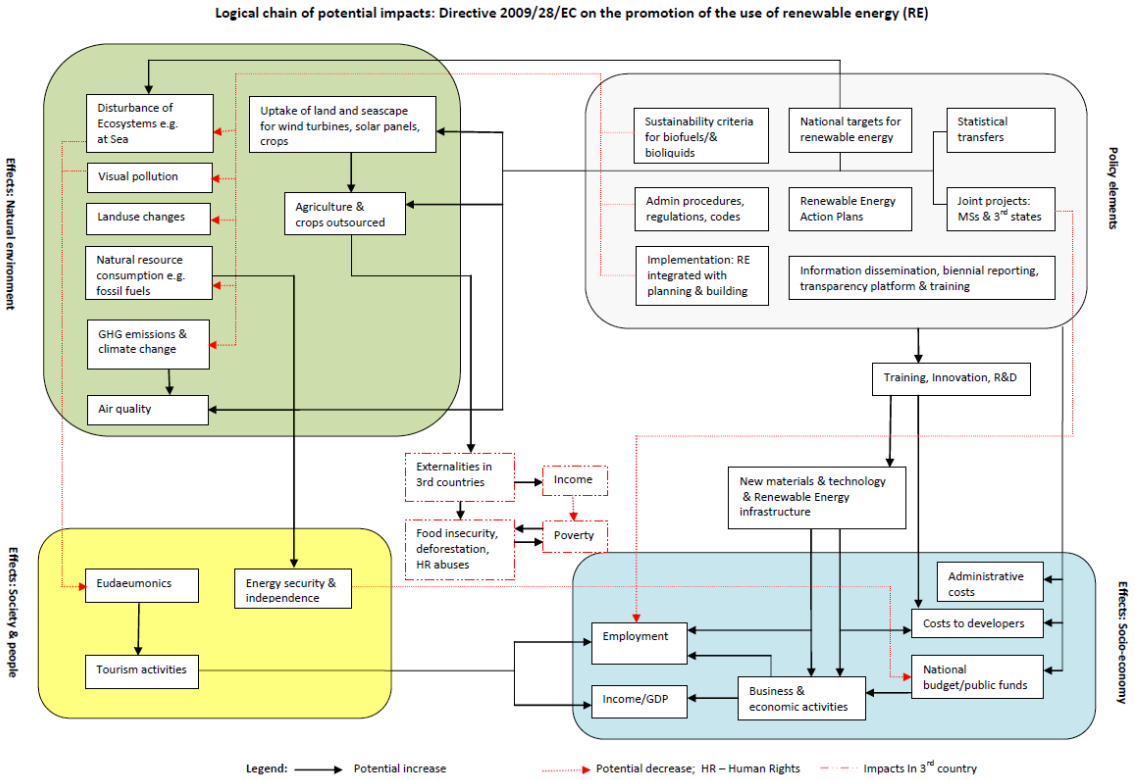


Figure 2: Digitised logical chain for Directive 2009/28/EC

Assessment / Appraisal and Evaluation

The assessment / appraisal and evaluation stages for each directive were undertaken a few weeks after the initial screening and scoping stages and were carried out primarily by external participants under the guidance of the project team.

The testing of these two stages was carried out at two levels, the local and the 'regional' (devolved administration). Accordingly, for this part of the testing, contact was made with the authorities that were represented on the national learning network. Whilst this approach didn't allow for areas to be engaged in the assessment and evaluation stages based on their deemed susceptibility to impacts, as would be the case in practice, for the purposes of testing this was deemed acceptable, and avoided the additional work that would have been required if practitioners were engaged from outside of the learning network.

Testing was conducted in two small workshops held in December 2011 and January 2012. The first of these was held with local planning authorities (local level testing; Dover and Leeds), of which 2 authorities attended. Testing at the local level was based on the Habitats and Energy Performance of Buildings directives. The second workshop was held just over a month later with representatives from the devolved government ('regional' level testing). One

administration (Northern Ireland) participated directly in the testing, and another (Scotland) met with the project team in Edinburgh in the testing period and provided detailed feedback on the approach based on preliminary TIA guidance. Regional level testing was based on the Renewable Energy Directive. Each workshop followed the same format, as follows:

1. Prior to each workshop each participant was sent: (a) detailed TIA guidance outlining the approach; (b) a full copy of the directive(s) to be assessed in the workshop; and (c) a summary of the directive's main measures;
2. At the start of each workshop the TIA framework / methodology was presented and an opportunity provided for participants to ask questions and gain any clarifications;
3. The case study directive was then presented and the outputs of the screening and scoping stages prepared by the project team were introduced;
4. Participants were then asked to conduct the assessment and, following this, the local/regional level evaluation for their corresponding areas working in their teams (stages 3 and 4 were repeated if multiple directives were assessed);
5. At the end of each workshop there was a general discussion and participants were invited to complete an evaluation questionnaire.

Following the practitioner workshops, the outputs from the completed assessments were synthesised by the project team and mapped (figure 3). From this, the national level evaluation was conducted by the project team based on objectives derived from Europe 2020.

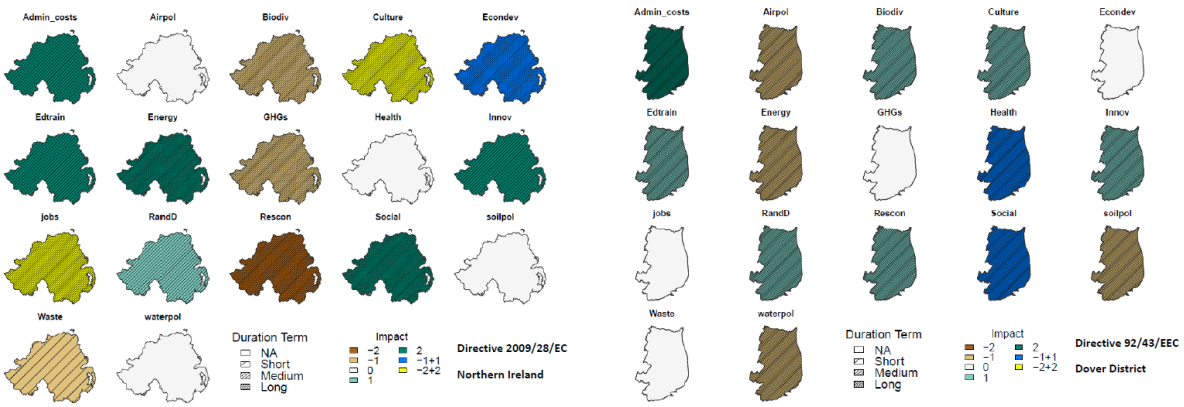


Figure 3: Mapped outputs for Directive 2009/28/EC on Northern Ireland and Directive 92/43/EEC on Dover District

Main findings / points raised:

- The need for a simple, pain free approach to TIA was reiterated by practitioners in the assessment and evaluation testing workshops. In this respect:

    - It was noted at the regional level workshop (in Northern Ireland), that at first glance, whilst the approach seems daunting, largely due of the length of the guidance and the number of tables/matrices in the annexes, it is actually straight forward when applied. This underlines the importance of presentation in the guidance and sufficient training or there is a risk that people will be discouraged from attempting it;
    - There was concern at the local level workshop about the scale of the assessment exercise if 'policy elements' were employed. It was suggested that this could make the process overly time consuming and as a result infeasible. It was suggested that these should only be used when it will bring clear benefits, i.e. it should be the exception rather than the norm;
    - Participants highlighted the potential utility of a web-based system in simplifying the process.

- It was apparent that screening and scoping stages could feasibly be conducted in half a working day. The assessment stage would require a similar amount of time, as would the local / regional level evaluation. The national evaluation would take longer due to the need to amalgamate the assessment outputs, but depending on how many localities were engaged in the process, this could be completed in a single working day.

- With directives that are highly technical, the role of the scoping body in identifying impacts will be particularly important. Whilst the scoping exercise will be conducted by policy relevant experts, those conducting the assessment will not necessarily have prior expertise in the policy area. In these situations, the information in the scoping checklist will be a vital resource for the assessment teams and so should be sufficiently comprehensive.

- The problem of dealing with transboundary impacts was noted by participants at the local level workshop, i.e. the impacts on localities which could have consequences for others. To this end it was mentioned that in some situations it may be useful to target localities surrounding localities that are deemed in scoping to be impacted by the policy proposal. This

could be considered in the scoping stage on a case-by-case basis depending on the nature of the directive.

- There are advantages and disadvantages to conducting the assessment at regional and local levels. At the level of the devolved administrations (regional), whilst there is an advantage in that the coverage of the assessment is greater, it was reported by participants to be difficult to come to an overall impact judgement given the variation of policy impacts across the territory. At the local level, whilst this was evidently less of a problem, because of the increase in resolution, this comes at a cost of either increased workload or lost coverage.

- In the devolved administrations, there may be a role for other agencies/organisations in the TIA process. For instance, in Scotland the SEA Gateway could have a key coordinating / advisory role working with local planning bodies who could conduct the assessment.

- The assessment criteria used in the TIA process need to be clearly defined, otherwise there is a risk that inconsistencies will be introduced and results skewed due to different interpretations between assessment teams.

- In some situations targeting vulnerable localities based on their characteristics, as defined in scoping, will be problematic. For instance, if scoping indicates that coastal authorities will most likely be impacted, these can be easily identified using a map, however if the vulnerability of a locality is determined by the age of its building stock, this may be more problematic due to data limitations. In these situations targeting by the scoping body may become arduous.

Annex 2

Slovenian Testing Report

Introduction

In Slovenia, testing has mainly been performed through workshops. Internally, the project team covered screening and scoping (logical chains, checklists and preliminary assessment matrix). After the assessment/appraisal had been performed, they took care of the evaluation, as well, i.e. the synthesis and graphical representation of the data.

External participants were also involved in these stages through the workshops that were set up. In particular they were involved in the assessment / appraisal stage. Policy makers and practitioners from the national, regional[26] and local levels took part in these workshops, this means that our results do not distinguish between the applicability of the framework for each administrative level separately.

Workshops attracted groups of people consisting of between 5 to 11 individuals, depending on the content of the Directive which was assessed. Similarly, the list of invited people varied, e.g. for the testing of the Habitats Directive, representatives of those local communities which had the highest share of areas, protected under Natura 2000, were sent invitations. Additionally, we always aimed at inviting the person who was in charge for the transposition of the directive into national legislation and its implementation. Interactive testing was organised on the basis of experience from the previous national research project on territorial impact assessment in which such an approach had proved to be efficient and reliable.

The research team opted for a 'mock' ex-ante assessment, which meant existing directives were treated as if they were proposals. Similarly to the other two stakeholder countries, the directives used for the testing were selected as a result of the first learning network workshop and discussions with the national stakeholder. During the project, the initial list of four directives was modified because of the expressed interest in TIA of the person in charge of the SEVESO III proposal, which replaced the internal proposal of the directive on soil framework from the list. This is thus the only directive which differs from the UK list of directives.

[26] In Slovenia the regional level consists of regional development regions (12 of them) which have no administrative power but are in charge of the preparation of regional development programmes and delivery of EU funds and related projects to the region.

Tested directives included:

1. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive);
2. Directive 2009/28/EC on the promotion of the use of energy from renewable sources (Renewable Energy Directive);
3. Directive 2010/31/EU on the energy performance of buildings (Energy Performance of Buildings Directive)
4. Proposal for a Directive on the control of major-accident hazards involving dangerous substances COM(2010) 781 final SEC(2010) 1591 final

The purpose of testing was twofold; firstly, the TIA framework / methodology was critically examined by the participants. Secondly, the accuracy of the results of the assessment of the directives was of interest to the participants.

The reports on the testing were drafted separately for each of the four directives and contain information on the general potential impacts of the directive as evaluated through the logical chain exercise, the list of criteria - determined for the detailed assessment of the directive, assessment tables with numeric scores, and final evaluation results, which include information about the most significant policies introduced by a directive, as well as the most affected areas and the graphical illustration of impacts in maps and charts.

The TIA framework / methodology has evolved as a direct result of the testing process so it should be noted that the process followed in the Slovenian testing procedure differs in some instances from what is being advocated now. In the following sections the format of the testing process is outlined and following this the main outputs/findings are summarised.

Format of the testing process

Screening and scoping

Screening was done as part of the first workshop where participants together with the research team decided which directives to test. Further on, the project team prepared 'the content part' of the logical chain which consisted of the policy background for a directive's adoption, the description of a directive's objectives and a presentation of the specific policies / measures introduced by a directive. In the supplementary materials, each measure was described in terms of; name, summary of contents, objectives, target groups and the territorial/ administrative level at which policies / measures of a Directive would be performed / implemented.

The exercise started with a brainstorming session in which workshop participants were divided into groups of 3 to 4 and were asked to think about the potential impacts of the directive in terms of four areas: 1 environment and territory, 2 economy, 3 society and 4 governance / administration (figure 1). Each group reported on their results, which led to the drafting of the final logical chain. Due to the numerous impacts recognised by the participants and not to limit the participants in their ideas, the direct links between measures and impacts were not made part of the workshop task. These links were added later on by the research team members. Again, due to the complexity and number of these links they are not graphically presented but are visible in the box of each impact where the relevant measures are written (figure 2).

Figure 1: Examples of drafting the logical chains during testing workshops

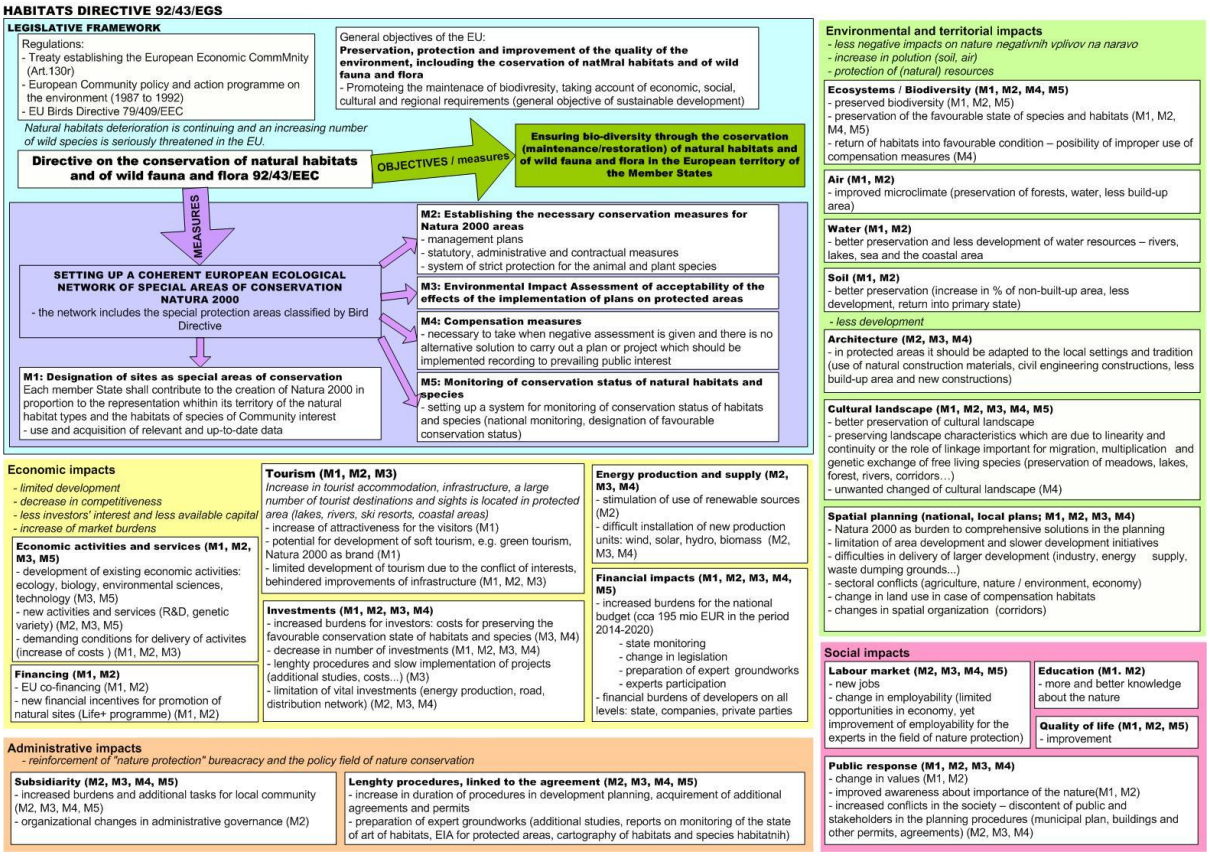


Figure 2: Example of a logical chain for Directive 92/43/EC

Next in scoping was choosing the criteria that were to be used later on in the directive's impacts assessment. The initial list of criteria (see table 1 below, column two) consisted of 61 criteria, which were along the lines of four mains topics:

- environment and territory (21 detailed criteria),
- economy (19),
- society (14) and
- governance and administration (7).

A debate ensued on the choice of criteria to be used in the assessment for each directive, which led to the selection of specific criteria for different directives. Those criteria not used in a specific assessment were called secondary criteria, while those that were selected for the actual assessment were called primary criteria. On average, around half of the criteria were usually designated to describe the impacts of a specific directive and assess them numerically; the range is from 22 for SEVESO III proposal to 34 for the Renewable Energy Directive.

Table 1: List of assessment criteria agreed on by workshop participants

Environment / Territory	
Soil	Erosion exposure
	Soil quality
	Sealing
Biodiversity and landscape	Area of multifunctional forest
	Landscape quality
	Biodiversity
	Protected areas
Water resources	Water consumption
	Water quality
	Water availability
Air and climate	Pollution with solid particles
	Emissions of NOx
	Noise pollution
	Emissions of greenhouse gases
Build environment	Urbanization
	Size of degraded area
	Vulnerability of areas, exposed to natural disasters
Energy production	Use of renewable
	Use of fossil fuels
	Energy import dependency
Waste treatment	Quantity of collected waste
Economy	
Economic development	Economic growth
	Number of innovation
	Market burdens
Agriculture	Employment in primary sector
	Farm size
	Extent of agricultural incentives
	Level of self-sufficiency
Industry	Employment in secondary sector
	Import rate
Service	Employment in tertiary sector
Tourism	Employment in tourism
	Number of visitors
	Accommodation availability
Small business	Number of small business
	Administrative costs, connected to establishment of the company
Infrastructure	Utilities quality
	Utilities accessibility
Transport	Use of public transport
	Commuting
Society	
Demography	Migration
	Fertility
Health	Mortality in traffic accidents
	Industry accidents hazards
	Life expectancy
	Hospital costs
Social inequalities and social protection	Distribution of income
	Unemployment
	Social transfers
	Elderly protection
	Poverty
	Child protection
Education	Education level
Cultural heritage	Cultural heritage protection
Governance and administration	
Efficiency	Planning process (duration...)
	Administrative costs
	Impact on national budget
Transparency	Public participation
Subsidiarity	Obligations and tasks on different territorial/administrative levels
Territorial organization	Level of central places hierarchy
	Accessibility of the closest regional centre

The last part of the scoping phase was the identification of area typologies. These were prepared for each directive in order to decrease the number of territorial units in which the assessment would be performed later on. Units were created on the basis of the territorial characteristics that were deemed relevant for a particular directive, e.g. for the Habitat Directive the share of the area in the region, protected under Natura 2000 was used.

Regions were clustered on the quantitative basis and with the help of cluster analysis performed with SPSS. Ward method and the square of the Euclidian distance were used as a measure. The aim of typology was to group Slovenian regions into 2 to 3 groups regarding their homogeneity for specific characteristics. This was done by the research team. In this context, suggestions by workshop participants on characteristics were taken into account. Figure 3 below shows three types of affected regions; most, medium and least affected.

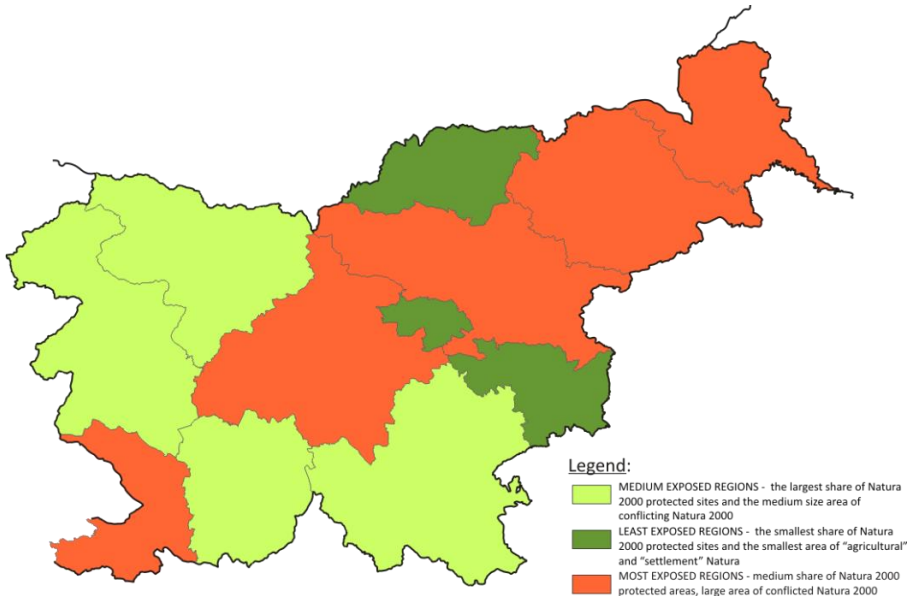


Figure 3: Typology map, example for habitat directive

Assessment / Appraisal and Evaluation

The assessment / appraisal was done outside the workshops by each participant individually. With the use of prepared matrices, participants assessed the impacts of the directive in the particular group of regions for the selected criterion. Criteria were defined in a way to allude to the wanted state. For example, "the quality of air" aimed at improvement of the quality or in other words to increase of the quality of air. This means that a positive score would illustrate an improvement while a negative score would indicate deterioration. Besides the direction of the impact, evaluators also marked the strength of the impact with the help of a 5-point scale:

-2 very negative impact,
-1 negative impact,
0 impact exists but it is not possible to define the direction of it,
+1 positive impact and
+2 very positive impact.

and were also invited to add an explanation. Numeric scores were then analysed and summarised as part of an evaluation procedure performed by the research team. Average scores were calculated for each group of regions for each criterion. Further on, averages were calculated for the impact of each measure to all four impact areas (economy, environment, society, governance). To distinguish the extent of an impact on an individual topic, sums were calculated for the number of evaluated criteria in the cell. Summarising matrices were drafted for:

- Impacts of all policies/measures on each impact area.
- Summarised impacts of each policy/measure on the individual impact area for which the weighted average of all individual groups of regions was calculated with the area of relevant regions (graphically presented in charts).
- Sum of the impacts of all policies / measures, i.e. the impact of the whole directive on each area type separately (graphically presented on maps).

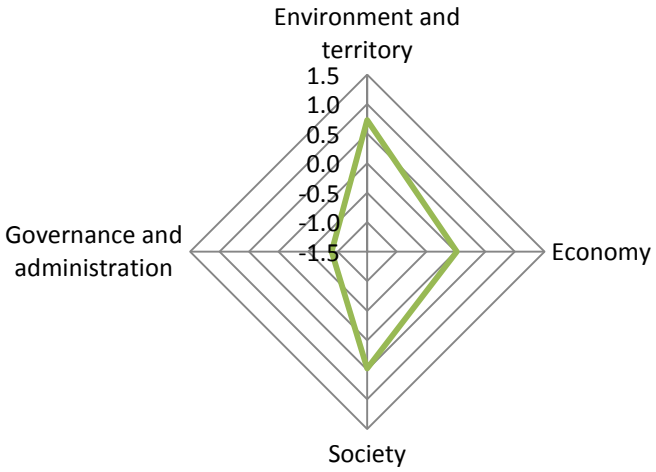


Figure 4: Example of the graphically represented individual policy's/measure's impact on impact areas for measure/policy M2: Establishing the necessary conservation measures for areas of Natura 2000, Habitat Directive.

Table 2: Sum up matrix for first three measures / policies of the Habitat Directive

Impact area	M1: Designation of sites as special areas of conservation			M2: Establishing the necessary conservation measures for areas of Natura 2000			M3 Assessment of acceptability of the effects of the implementation of plans on protected areas		
	R1*	R2*	R3*	R1	R2	R3	R1	R2	R3
Environment and territory	**0,4**	**0,6**	**0,5**	**0,7**	**0,6**	**0,8**	**1,4**	**1,0**	**0,8**
	(10 / 14)	(10 / 14)	(11 / 14)	(9 / 14)	(11/ 14)	(12/ 14)	(2 / 14)	(5 / 14)	(5 / 14)
Economy	**0,4**	**0,1**	**0,1**	**-0,2**	**-0,1**	**0,1**	**-0,8**	**-0,4**	**-0,3**
	(5 / 10)	(9 / 10)	(10 / 10)	(6 / 10)	(8 / 10)	(9 / 10)	(1 / 10)	(4 / 10)	(4 / 10)
Society	**0,5**	**0,7**	**0,4**	**0,6**	**0,6**	**0,3**	**0,8**	**1,7**	**1,0**
	(1 / 1)	(1 / 1)	(1 / 1)	(1 / 1)	(1 / 1)	(1 / 1)	(1 / 1)	(1 / 1)	(1 / 1)
Governance, administration	**-0,7**	**-0,8**	**-1,1**	**-0,7**	**-0,9**	**-0,9**	**-0,9**	**-1,0**	**-1,1**
	(5 /5)	(5 /5)	(5 /5)	(5 /5)	(5 /5)	(5 /5)	(5 /5)	(5 /5)	(5 /5)

*R1 - regions with the smallest share of Natura 2000 protected sites and the smallest area of "agricultural" and "settlement" Natura;
R2 - regions with a large share of Natura 2000 protected sites, medium exposed "agricultural" and "settlement" Natura and a large area of the rest of Natura;
R3 - regions with a medium share of Natura 2000 protected sites, a large area of "agricultural" and "settlement" Natura and a medium-sized area of the rest of Natura.

The results for each directive are presented in a written report which includes potential impacts of the directive as predicted in the "brainstorming" exercise. Numeric scores are summarised separately for each measure / policy and expected impacts, a comparison of scores between the groups of regions is provided. The last part of the evaluation is an estimation of how much the directive will contribute to delivery of the spatial development policies on different territorial/governmental levels. For this, we used spatial development objectives of:

- Territorial Agenda (2009, EU level),
- Spatial development strategy of Slovenia (2004, national level) and
- Municipal plan of the City municipality Novo mesto (2010, local level).

The summarisation has been enabled with the preceding exercise of the research team which content-wise linked the criteria from the initial list with the objectives. Then this 'theoretical' list was confronted with the criteria selected to evaluate a particular directive, so the impact of the directive on the policy objectives has been summarised by the cross-section of theoretical and empirically selected criteria. Again, the average was used as summarisation function but results are presented with symbols by using the following scale:

-2 to -1,2: very negative impact (--)
-1,2 to -0,4: negative impact (-)

-0,4 to 0: negligible negative impact (o^{-})
0: impact for which it is not possible to define the direction (o)
0 to 0,4: negligible positive impact (o^{+})
0,4 to 1,2: positive impact (+)
1,2 to 2: very positive impact (++)

The initial five point scale was reorganized on the basis of distribution of the scores to better diversify the scores. On the maps symbols o^{-}, o and o^{+} are illustrated with a unified colour (Figure 5).

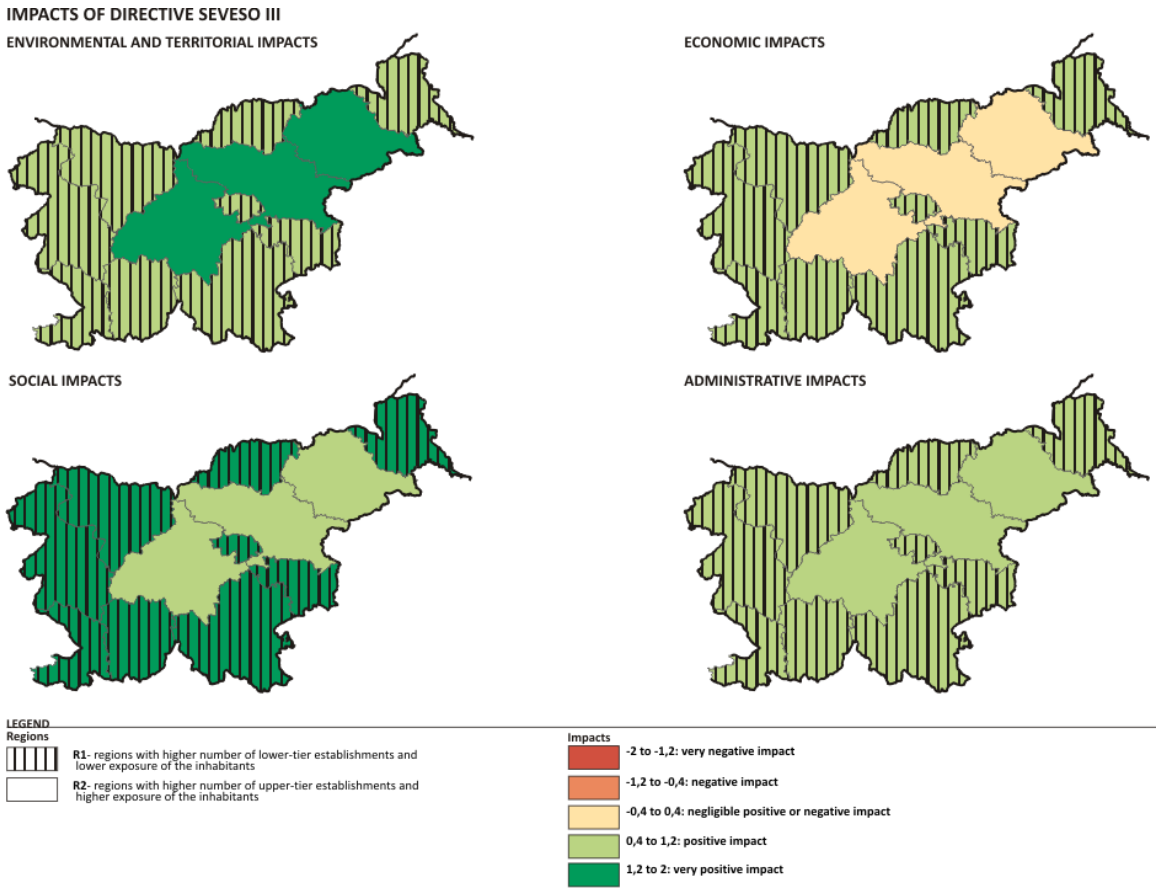


Figure 5: Territorial presentation of impacts, proposal of SEVESO III directive

A synthesis was prepared for policy makers at EU, national and local level. At the national level, the national government has undergone significant changes, and now the Ministry of Foreign Affairs is in charge of coordinating Slovenian participation in EU legislation preparation and its transposition into national legislation. Additionally, National Assembly representatives should be informed about the results, along with national lobbyists, planners and officials of the ministries and policy makers on regional and local level.

Testing

Testing was performed in four workshops, organised in October and November 2011. The first workshop on October 26th concerned the Directive on Renewables and engaged 11 participants from different territorial levels and of different political functions. The second one of the proposed SEVESO III Directive took place on 18th November 2011 and attracted 6 people, beside the research team, this included an expert on environmental impact assessment, representative of the Ministry of Environment and Spatial Planning (existed at that time) and a person responsible for the implementation of this directive in Slovenia, employed at the same ministry. The Habitats Directive (21st November) motivated some local communities to participate as well, resulting in 10 participants. The last workshop was organised on November 25th 2011 for the Energy Efficiency of Buildings Directive and engaged only 5 people, two of them responsible for its transposition into the national legislation and further implementation.

Workshops were organised for all directives to provide for concrete results which are of interest to the policy makers and persons engaged with the delivery of directives. Multiple events allowed for better evaluation of the proposed TIA framework/methodology and enabled the project team to always work with the latest version of the framework. Each workshop followed the same schedule, as follows:

- Short TIA framework/ methodology introduction
- Brief presentation of the Directive's content
- Designation of possible impacts through brainstorming (group work)
- Determination of suitable criteria for assessment of the directive (short presentation)
- Introduction to spatial typologies
- Assessment / Appraisal, using matrix-based method (individual work)
- Short discussion on the synthesis and the list of territorial development objectives to use

To ensure active participation, the research team distributed workshop materials prior each workshop. These consisted of:

- The workshop programme
- Brief description of directive and its measures including link to the Slovenian text of directive
- Explanation of typology as prepared for each directive

After collecting of the screening, scoping and assessment phase's results, the evaluation was prepared by the research team and presented in the final learning network workshop.

Main findings / points raised concerning the TIA framework

Besides working on the territorial impact assessment of a specific directive, participants also expressed their opinions on the framework while testing it in practice and provided some suggestions for improvements:

- The most controversial part of the workshop TIA exercise was the issue of allocating typologies. Participants did not always agree with the selected criteria for classifying the regions and therefore suggested typology alterations. At times, they also provided additional sources of data. In the assessment phase, typologies were difficult to comprehend since they introduced abstract simplification of a territory that participants had not been familiar with before. This resulted in uniformed scores granted to all groups of regions and the claim that it was difficult to distinguish between the groups of regions. Explanation of this phenomenon is multiple: 1. If more administratively oriented measures/ policies are evaluated, it can be expected that impacts will not vary among territories, so the uniformed score is justifiable. 2. If a typology is not well accepted and logical to the assessor, then the typology should be adapted and a uniform score does not represent reliable results. To show territorial sensitivity of the TIA, participants suggested to use all 12 Slovenian regions and to assess impacts in each of them individually. This indeed would bring more exact assessment but would also prolong the TIA performance.

- Participants agreed that the assessment proved difficult to perform at the local level and supported a regional approach, which attracts relevant experts, policy makers and implementers from different administrative levels and policy fields. In such manner, TIA workshops bring together stakeholders who otherwise do not co-operate with each other and thus emphasis the interdisciplinary aspect.

- The Slovenian research team worked with a very long list of criteria, which at times was even extended with criteria that applied to a certain directive but had not been previously included. Participants found the list practical since it enabled a better consideration of potential impacts and supported the debate on impacts. However, they also agreed that for faster implementation of TIA the list could be shortened and the detailed criteria grouped into more general criteria. The workshops have also shown that the number of selected criteria is conditioned by the size and content of a directive. If a directive concerns a very narrow problem, e.g. the proposed

SEVESO III Directive, then the final list of criteria is shorter than for more comprehensive directives such as the Renewable Energy Directive, where participants worked with longer list.

- Logical chains and brainstorming have been recognised as useful exercises for developing a first idea of potential impacts of the directive. More ambitious participants were willing to connect the measures / policies of a directive with the individual impact, so in future this might as well be added to the exercise.

- The weakness of the criteria chosen was that it was sometimes difficult to identify the desired direction in which a criterion should develop - this was successfully solved with the UK approach of indicating a direction only. Participants also suggested that such doubts could be prevented with through group workshops, although with all these dimensions integrated in the framework it is difficult to predict how much time would be needed for that.

- No doubts were expressed regarding assessment of the directive's content through its description of individual measures. This was accepted as positive in order to provide more precise and structured assessment. In one case participants helped to identify better descriptions of measures / policies.

- Participants agreed that a numeric approach is not enough and should be supported with qualitative description of the potential impacts of the directive together with the graphical representation of the results.

Annex 3

Portuguese Testing Report

Introduction

This report summarises the work performed with stakeholders at national and regional meetings in Portugal. The main objective of these meetings was the application of territorial impact assessment (TIA). This focused on four directives:

- 92/43/EEC Habitats Directive (on the conservation of natural habitats and of wild fauna and flora);
- 2008/56/EC Maritime Strategy framework Directive (establishing a framework for community action in the field of marine environmental policy);
- 2009/28/EC Renewable Energy Directive (on the promotion of the use of energy from renewable sources);
- 2010/31/EC Energy Performance of Buildings Directive (on the energy performance of buildings)

The inputs obtained from these meetings (one at the national level in combination with the final learning network workshop and one on at regional level) were highly relevant, because they uncovered weaknesses of the initial framework / methodology proposal. Stakeholders presented comments and suggestions and described difficulties with the approach. Subsequently, some changes were made to the framework / methodology. This dynamic and interactive work process produced a final proposal that incorporates inputs of the different tests performed.

Governance

The following diagram (figure 1) shows the process of TIA and explains how the three workshops were conducted. Stakeholders representing different administrations enabled an evaluation from different perspectives of the proposed methodology.

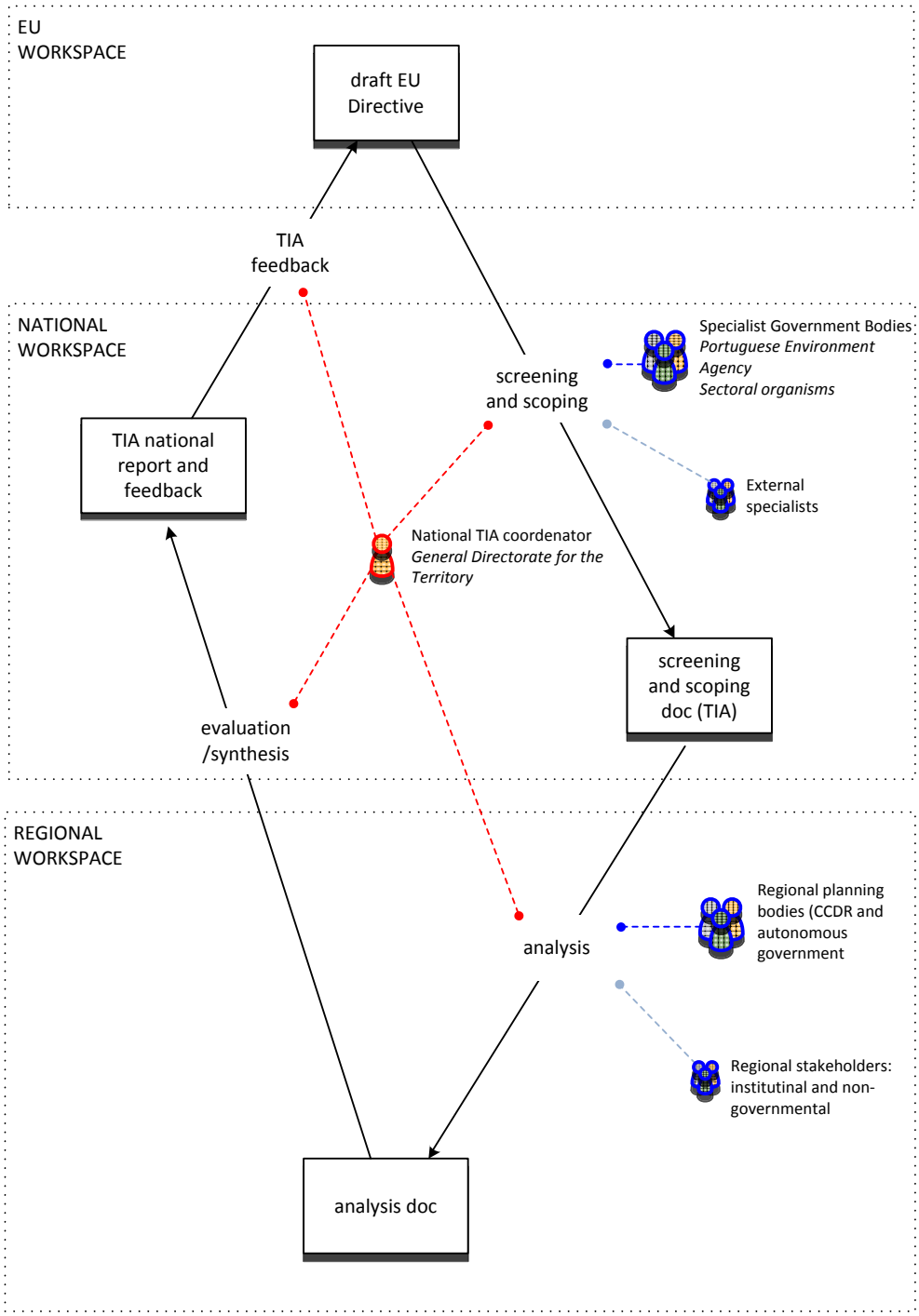


Figure 1: TIA process in Portugal

Screening

"The core purpose of the screening phase is to determine whether a TIA is necessary for a given policy proposal". (EATIA Interim Report, August 2011)

The basis for any TIA should be a good knowledge of a directive, its contents, main actions proposed, and the sub-elements of actions. Screening can ensure that all following phases are based on a common understanding of all

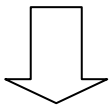
issues involved. A comprehensive exercise is presented below for the Habitats Directive, where actions and their elements were established.

The first stage of TIA occurs at the national level and aims to establish whether a full TIA should be conducted. A 'reading grid' to establish parameters (see Matrix 1 below) can ensure greater objectivity of the assessment exercise that follows. This matrix aims to identify what actions are triggered by a directive and the objects they affect. It is important to be rigorous and comprehensive.

Matrix 1 – policy elements of a directive

ACTION	ELEMENT(s)	NOTES/EXTRACTS
Ensure	Bio-diversity in the European territory	(article 2) The aim of this Directive shall be to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora (maintaining or restoring, at favourable conservation status), ..., taking account of economic, social and cultural requirements and regional and local characteristics.
Create	Natura 2000 network of protected sites	(article 3, 4) Create a list of natural habitat types and the species' habitats. The list shall be transmitted to the Commission, within three years of the notification of this Directive, together with information on each site(a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III of directive) MS whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission... be applied more flexibly in selecting all the sites of Community importance in their territory.
.....	.....	.....

Note: Extract from the matrix of policy elements.



ACTION	ELEMENT
Create	Conservation and protection measures of habitats and species
Create	Natura 2000 network
Create / ensure	Coherence between Natura 2000, land-use planning documents and development policies

.

After this initial exercise, the assessment / appraisal process begins, based on a predefined list of assessment criteria with four assessment areas (Table 1) (in Portuguese the term 'analysis' is used here, as assessment is difficult to

translate): environment and territory, economy, society and territorial governance (see below).

As mentioned in the Interim Report of EATIA project (08.2011), in the TIA framework

"*criteria are used as a way of bringing attention to the territorial characteristics that could be affected by a policy. They are consequently used to help structure the assessment process. In defining suitable criteria it is essential that they closely reflect a consistent understanding of what a territorial impact is*".

Table 1: Matrix of assessment areas, 'sub-fields' and criteria

Sub-field	Criteria	*Examples of indicators (measurable/quantifiable)*
ENVIRONMENT AND TERRITORY (level I)		
Land resources (LR) (level II)	Exposure to erosion (level III)	*Share of area with exposure to erosion*
	Soil quality	*Volume of heavy metal in soil*
	Soil consumption – area with sealing problem	*Share of such area; Rate of loss of arable land*
	Forest	*Share of forest land*
	Landscape quality	*Cultural landscape due to land use of changes*
Water resources (WR)	Water consumption	*Water supplied from public water to household (in 1000m3)* *Daily water consumption per capita*
	Quality and quantity of ground water	*Water resources in 1000m3* *Quality measures through the temperature of water, water level (cm), flow (m3/s), pH electricity conductivity (µS/cm) and dissolved oxygen (mg/l)*
	Quality and quantity of surface water	*Spring of running water in 1000m3* *Quality measures through the temperature of water, water level (cm), flow (m3/s), pH electricity conductivity (µS/cm) and dissolved oxygen (mg/l)*
	Sea water quality	*Measured tthrough dissolved oxygen, nitrates, pH, etc.*
	Water supply	*Total length of water supply networks*
Air and climate (A/C)	Air pollution (particles)	*Amount of suspended particulate matter in the air*
	Emissions (CO2)	*Net CO2 emission/removals from LULUCF from Land Use, Land Use Change and Forestry*
	Ais pollution (NOX)	*Net emissions of N2O*
	Noise pollution	*Number of people exposed to the noise*
	Emission of green house gasses	*Net CO2, SF6, CH4, HFC, PFC*
Biodiversity (B)	Protected species	*Number of endangered and protected species*
	Protected areas	*Share of protected areas, number of protected natural monuments* *Share of areas, protected under Natura 2000* *Investments in protection of biodiversity and landscape per Km2*
	Habitat loss	*Areas of habitats lost because of development (ha)*
Built environment (BE)	Urban population – urbanization	*Urban population density* *Urbanization rate*
	Degraded areas	*Share of degraded area* *Number of derelict and empty buildings* *Share/number of renovated buildings*
	Vulnerable areas exposed to natural hazards	*Change in share of area with higher risk of avalanches; financial*

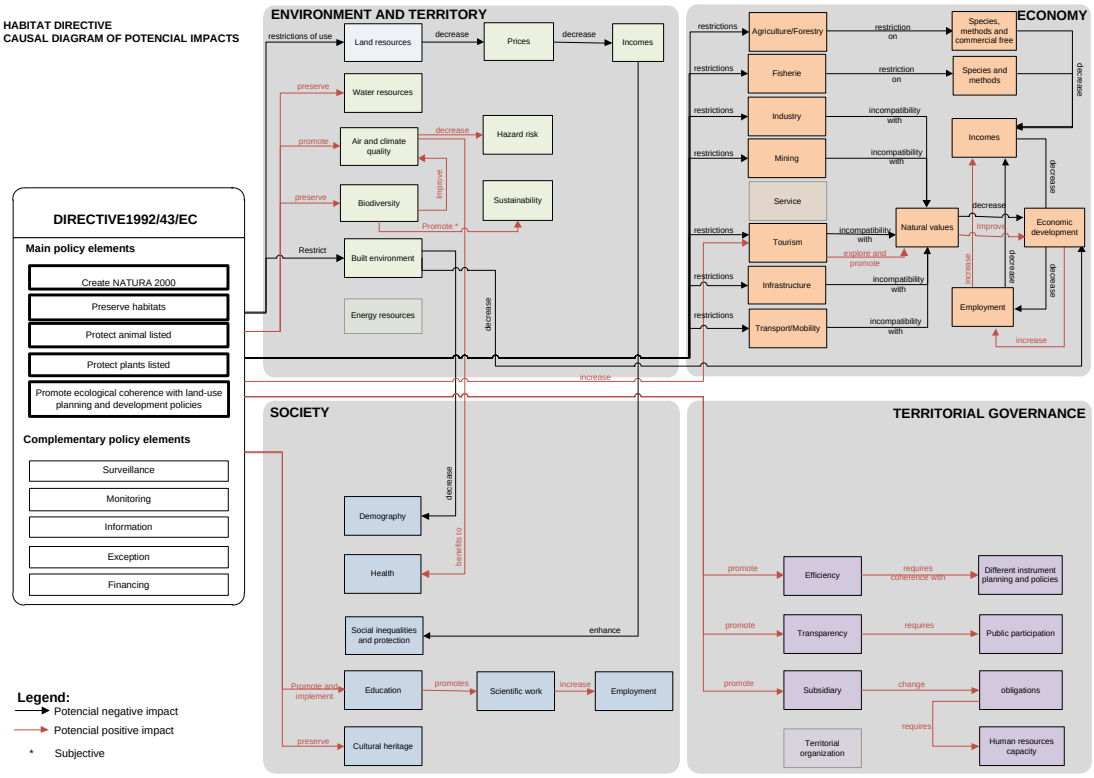
Sub-field	Criteria	*Examples of indicators (measurable/quantifiable)*
		damage caused by avalanches *Change in share of flood area; Financial damage caused by floods* *Frequency of torrential rain and storms*
Energy resources (ER)	**Use of renewable**	*Share of electricity from renewable sources in total electricity production*
	Fossil fuel consumption	*Share of electricity production from fossil fuels* *Carbon intensity t/toe*
	Energy dependency from foreign sources	*Share of national energy dependency*
ECONOMY		
Economic development (ED)	Economic growth	*GDP per capita; gross added value per employee*
	Innovation	*Number of innovation per 1000 inh.* *R&D investment*
	Market (burdens/prices)	*Extent of market of barriers* *Influence on prices setting*
Agriculture (A)	Employment in primary sector	*Share of employment in primary sector*
	Farm size	*Average farm size (increase/decrease)*
	Subsidies	*Amount of subsidies granted to one farm*
	Production	*Production yield of crops, vegetable, fruits (t/ha)*
Industry (I)	Employment in secondary sector	*Share of employment in secondary sector*
	Export rate	*Percentage of production for export*
Service (S)	Employment in tertiary sector	*Share of employment in tertiary sector*
Tourism (T)	Employment in tourism	*Number/share of employment in tourism*
	Visitors	*Number of overnight stays*
	Accomodation availability	*Number of beds*
Civic and public construction (CPC)	Employment in civic and public construction	*Number/share of employment in* civic and public construction
Infrastruture (Inf)	Collected waste	*Amount of waste (tonnes) collected per capita* *Share of wasrw, landfilled on different landfield sites*
	Quality of infrastructure network	*Investments in new utilities (length of infrastructure)*
	Accessibility of infrastructure network	*% of households with utilities (district heating, electricity, sewage system)*
Transport/Mobility (T/M)	Use of public transport	*Share of use of public transport, types of transportation used*
	Accessibility of the nearest regional centre	*Proximity of the regional centre (minutes)*
	Daily commuting	*Index of daily commuting (jobs per active population)*
SOCIETY		
Demography development (DD)	Migrations	*Net migration flow* *Number of people immigrating as a "Brain drain"*
	Natural increase	*Number of birth/death per 1000 inh.*
	Population age	*Age dependency index*
	Households	*Household size*
Health (H)	Mortality in traffic accidents	*Persons killed in traffic accidents*
	Accidents hazard in industry	*Number of accidents in industry*
	Life expectancy	*Average life expectancy*
Social innequalities and protection (SIP)	Distribution of income	*Disposable income per capita*

Sub-field	Criteria	*Examples of indicators (measurable/quantifiable)*
	Unemployement	*Share of unemployment*
	Social transfers	*Average amount of social transfer per receiver*
	Elderly care	*Number of beds in old people's homes*
	Poverty	*Poverty rate*
Education (E)	Educacion level	*Average time of education* *Number of students, enrolled in different levels of education* *Share of university education among active poulation*
	Child care	*Share of children age 1-5 includes in the kindergarten*
Cultural heritage (CH)	Cultural heritage protection	*Number and area of protected cultural sites*
TERRITORIAL GOVERNANCE		
Coherence (C)	Coherence between Natura 2000, land-use planning documents and development policies	
Efficiency (Eff)	Duration of planning process	*Duration of planning process*
	Human resources needs (capacities)	
	Administrative costs	*Fees*
Transparency (Tr)	Public participation	*Level of public participation*
Subsidiary (Sub)	Obligation on different territorial/administrative levels	
Territorial organization (TO)	Centralization	*Function and role of (urban) centres* *Connection and dependency of settlements, urban/rural* *Service dispersion*

The first step to assess a directive is a logical chain exercise with its resulting diagram. This relates proposed actions and assessment criteria, in order to identify impacts and some initial qualification of those impacts (increase/decrease/stabilise; benefit/damage).

The example below (figure 2)., taken from Habitat Directive test, presents two possible forms in which to organise such logical chains. It enables the isolation of each major field of analysis, as well as relations between different assessment criteria and shows indirect, cumulative and induced impacts. Conducting this exercise at a higher level of complexity can help to consider each directive action and identify its (or their) impacts.

The use of the logical chains technique can also be useful at later stages (either in scoping or analysis). It could be developed with different degrees of complexity depending on team requirements.



The evolution of the first to the second diagram resulted in higher accuracy in identified relationships classification and a clearer graphic presentation.

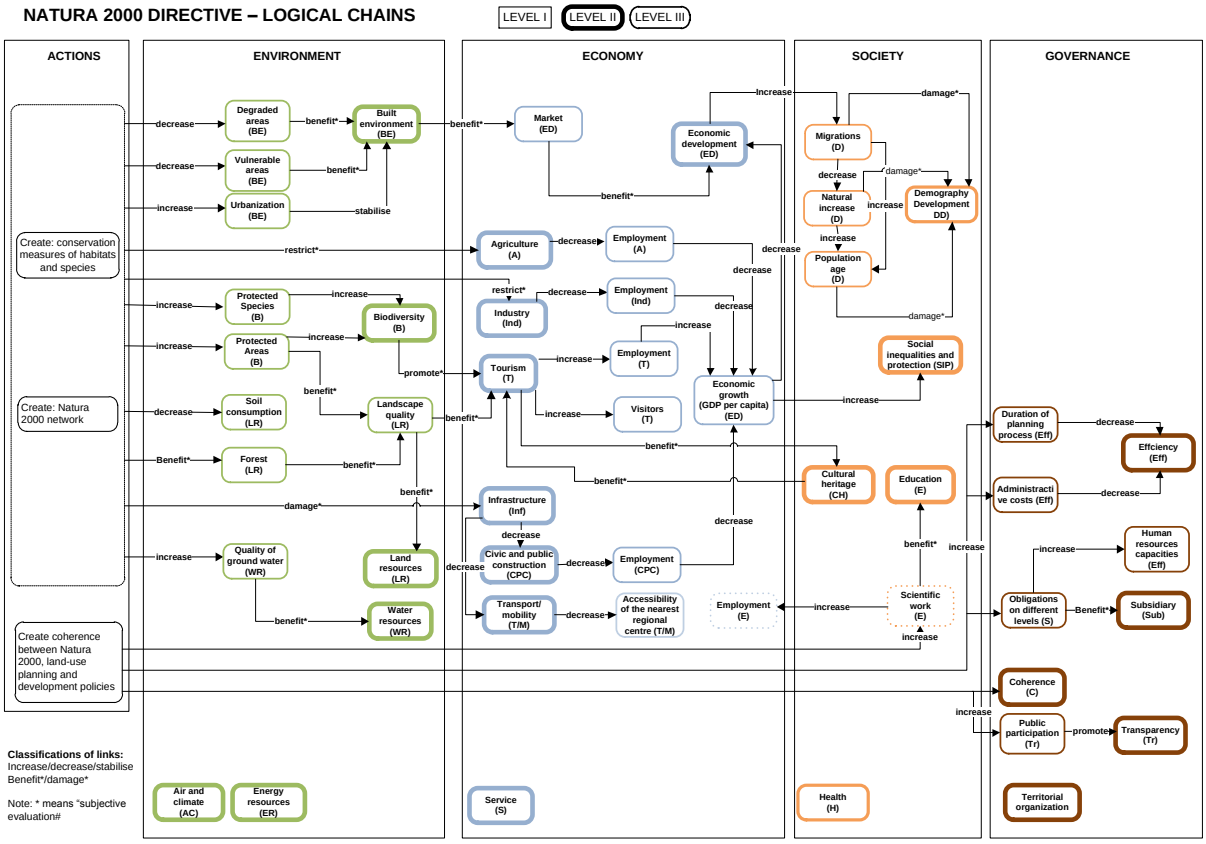


Figure 2: Logical chains

At the next stage the screening matrix is produced (see matrix 2 below). This allows a determination to be made as to whether a directive needs a full TIA.

Matrix 2: screening checklist

Subfield	Forecast Yes (✓) No (X) Uncertain (?)	Comments: nature of impact (e.g. positive, negative, direct, indirect, etc.) and justification.	Sensitivity
ENVIRONMENT AND TERRITORY			
Land resources	✓	Positive/direct	✓
ECONOMY			
Economic development	✓	?/direct/indirect	✓
SOCIETY			
Demography	✓	Negative/indirect	✓
TERRITORIAL GOVERNANCE			
Coherence	✓	Positive/direct	
…….			

Note: Extract from the matrix of screening.

We observed the difficulties experienced by stakeholders building logical chain diagrams with a list of too many criteria. In their opinion, this made the task too confusing, since "everything seemed to be related with everything". The number of criteria should therefore be reduced. There was consensus that such causal diagrams were very useful to identify, in a way almost intuitive, directive impacts. But they should permit a quick and expedite construction. Additionally, it was suggested that supporting computer software would be helpful, where you can select and move pieces as if it were a puzzle.

Scoping

"Once it has been determined a TIA is necessary, the scope of the assessment should be defined. Scoping is a more intensive exercise than screening and essentially seeks to focus the assessment, outlining what impacts should be considered in greater depth." (EATIA Interim Report, August 2011)

The scoping phase is mainly characterised by the interplay between policy elements and their most relevant impacts. Here, screening results help to focus on those dimensions that showed to be more heavily affected earlier.

This stage adds important information about impacts, namely their nature (positive or negative, direct or indirect) and their location. It is advisable to make some comments on the identified impacts (see matrix 3 below).

Matrix 3- scoping checklist

Policy, policy elements or policy options	Subfield	Significant impact? Yes (✓) No (X) Uncertain (?) Not applicable (N/A)?	Nature of impact (e.g. positive, negative, direct, indirect, etc.) and justification.	Location (e.g. widespread, restricted, coastal zone, mountain area, estuarine zone, etc.)	Comments
A Create conservation measures of habitats and species	Land resources	?	Positive, direct	Restricted, mountain areas	
	Biodiversity	✓	Positive, direct	Restricted, mountain areas	
	Built environment	?	Positive, direct	Urban areas	Uncertain impact magnitude
	Economic development	?	Negative/positive	widespread	Uncertain impact magnitude; depends on the balance between the impacts on different economic activities
	Industry	?	Negative		
	Civic and public construction	?	Negative		Uncertain impact magnitude
	Tourism	✓	Positive, indirect	Mountain area	
	Demography	X			
	Social inequalities and protection	X			
	Coherence	X			
	Subsidiary	X			
.....					

Note: Extract from the matrix of scoping

After performing scoping, it could be useful to produce a map showing possible impacts and their respective locations (see figure 3 below for an example of the Northern Region). Like an instrument of synthesis that enhances the territorial perspective of assessment it would help communication of final results.

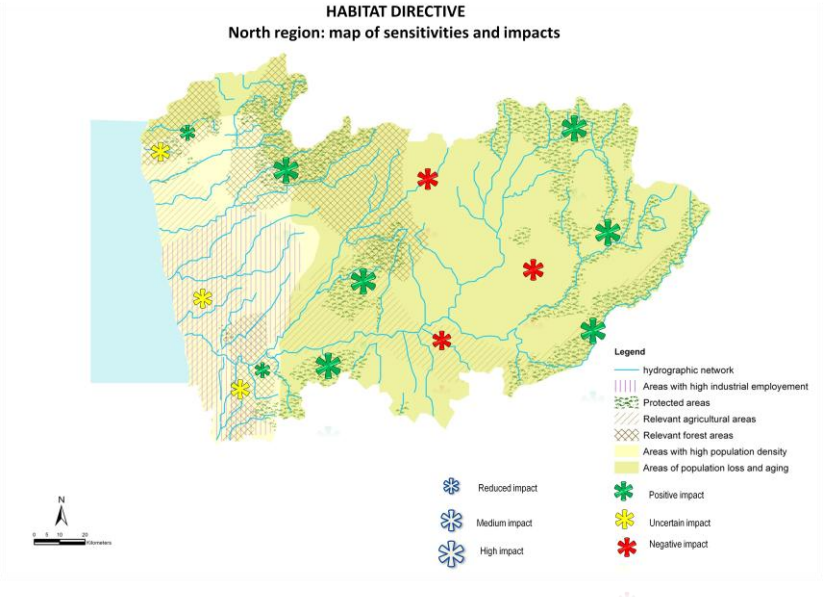


Figure 3: Impact map

Originally, the guidance included a screening and a scoping checklist which looked very similar. This caused some confusion among those attending the workshops. This has now been addressed and both, screening and scoping checklists have been merged.

Assessment / appraisal (in Portugal 'analysis') and evaluation

The matrix below (Matrix 4) shows scoring results for impacts significance. This is done for all those the assessment criteria that were identified earlier to be the most relevant. This exercise allows the crossing of policy elements with each assessment criteria, and gives it a degree of significance that can vary on a scale of five values (-2, -1, 0, 1, 2). The matrix permits the assessor to identify which policy element has most significant impacts and which assessment criteria is more susceptible to suffer significant impacts as a result of implementation.

Matrix 4– Impact Significance Matrix

POLICY ELEMENT Assessment criteria	A	B	C
Land resources	+1	+1	0
Biodiversity	+2	+2	0
Built environment	+1	+2	0
Agriculture	0	0	0
Industry	-2	-2	0
Civic and public building	-1	-1	0
Tourism	+1	+1	0
Demography	-1	-1	0
Social inequalities and protect.	-1	-1	0
Coherence	0	0	+2
Subsidiary	0	0	+2

The last stage of the assessment process consists in looking at the overall impact of a Directive on policy objectives. The idea here is to identify and evaluate relationships in terms of convergence (✓), divergence (**X**), neutrality (**-**) or uncertainty (**?**). Information collected at the earlier stages (screening and scoping matrices, logical chains diagrams and significance matrix) is the basis of the evaluation performed here.

Whilst the Portuguese Strategic Planning Policy has 12 objectives (see annex B), in the TIA for the Northern Region it was decided to use the four main goals, because objectives are rather similar and converge in achieving the main goals. This means there was a simple matrix to complete.

All participants agreed that this approach can lead to greater policy coherence. The matrices below are examples of what the result of this exercise would look like.

The overall evaluation should be done only at the national level when drawing together all regional inputs.

EVALUATION MATRIX: REGIONAL LEVEL OF STRATEGIC PLANNING POLICY

PROT-NORTE (Regional Program of Territory Planning - North) goals:

1. Consolidation of the urban system
2. Definition and implementation of key networks and connectivity systems
3. Preservation and enhancement of territorial support
4. Sustainable management of productive resources of territorial dependence

Action of directives	**1**	**2**	**3**	**4**
Create conservation measures of habitats and species	**X**	**X**	**X**	✓
Create Natura 2000 network of protected sites	**X**	**X**	**X**	✓
Promote ecological coherence with land-use planning and development policies	✓	✓	**?**	**?**

EVALUATION MATRIX: NATIONAL LEVEL OF STRATEGIC PLANNING POLICY

PNPOT (National Program of Territory Planning Policy) goals:

1. Sustainable and well organized space
2. Competitive, integrated and open economy
3. Equitable territory in terms of development and well-being
4. Creative society with sense of citizenship

Action of directives	**1**	**2**	**3**	**4**
Create conservation measures of habitats and species	✓	**X**	**X**	**X**
Create Natura 2000 network of protected sites	✓	✓	**?**	**X**
Promote ecological coherence with land-use planning and development policies	✓	**?**	✓	✓

Conclusions

Any TIA exercise should ask and provide answers to the following questions:

- Why is there a need for a TIA for a particular directive proposal?
- Which areas are likely to be subject to impacts of greater importance?
- Which causal relationships are relevant?
- Which territories would suffer most negative impacts and which would benefit most from directive implementation?
- Finally, if justified, which changes could be proposed to make a more virtuous directive, in order to enhance positive effects and mitigate, or prevent, negatives impacts?

Annex 4

Final Workshop Findings Summary

1. Governance arrangements for TIA referring to the potential roles of appropriate bodies to manage and coordinate TIA at various levels.
UNITED KINGDOM

Although participants mentioned various options, there was general consensus on the key institutions that should be involved and what their roles should be. It was agreed that:

- Central government departments are the right body to lead and coordinate the entire TIA process, but it should be made as easy as possible for them e.g. through web-based systems. The TIA process should not be onerous and should not produce too much information that does not feed into or get used anywhere. They should also directly lead on the screening, scoping and evaluation stages, integrating these tasks as closely as possible within the existing Impact Assessment procedure.

- It was mentioned that DCLG would, however, be an essential partner of the lead government department. DCLG will have the necessary spatial expertise to supplement the department's policy expertise. Spatial awareness is essential in the TIA process and there was a concern that this could otherwise be lacking.

In England it was believed that LPAs are appropriate bodies to carry out the assessment stage. It was agreed that outside of planners and LPAs, it was difficult to think of who else would have the necessary expertise. Overall, it was believed that TIA tasks could be conducted within a team-meeting set up in the context of the LDF/SA process. Nevertheless, concerns were raised:

1. Participants raised the interrelated concerns over LPA(1) capacity and (2) motivation. In this context it was stated that there was the need to 'sell TIA to LPAs' (i.e. to clearly state the benefits to be derived by an LPA from undertaking a TIA). If there was value in them participating resources would more likely be found.

2. Some participants raised the point that LPAs may not be in a position to understand all EU Directive proposals, especially the very technical ones e.g. the Seveso III. However, other participants mentioned that this emphasises the importance of the role of government departments (along with DCLG) in translating technical directives in the scoping stage.

Moving forward, It was noted that a coalition of willing LPAs could be established to facilitate the further development of the framework developed under the project. This group would be involved in further more detailed testing. It would also serve as a central point to which other LPAs could in future rally around.

SLOVENIA

RIA is conducted in Slovenia by the Ministry of Public Administration and is not part of the position making since it is performed in the national law making. Therefore it would make more sense to include TIA directly in the national position preparation process. This is coordinated by the Office for European Affairs[27], which assigns each proposal to the respective ministry. They are responsible for the preparation of the position, which is supported by the working group. There are 30 such established groups composed of representatives from all sectors (Ministries) interested in a certain policy field. Responsibility for the whole TIA process phase would therefore be with Ministries (their departments/persons), responsible for respective dossiers. The individual steps of TIA should be performed within the working group.

The ministry responsible for Spatial Planning[28] does not have its own dossiers (responsibility for position preparation), but can participate in working groups. At present it is only active in 2 of these working groups (transport and agriculture), which may lead to weak understanding and sensitivity for territorial aspects, inconsistencies and high variability of results. It was therefore recommended that the Department for Spatial Planning is involved in as many of these working groups as possible.

Screening and scoping phases are to be performed as proposed above; coordinated by the respective Ministry and with the working group meetings used to take the screening decision, and perform the scoping tasks, including filling in the scoping checklist. They already perform a sort of impact assessment, which is at present not regulated or unified and results in a wide variety of procedures and outputs. To ensure at least minimum common standards, there should be good (simple and clear) guidance provided, preferably also experts on TIA should be involved.

Assessment. Due to a relative lack of resources on the local level and weak organisational schemes on regional (no administrative power); it was recommended that for the Slovenian case, the assessment should also be coordinated by the national level. Consultation with regional/local levels would be used as required, targeted to the regions/localities most probably affected by the directive (and identified in the scoping phase). The experts for the respective policy from research and academic circles should be invited to support the assessment.

Evaluation. Evaluation should be again coordinated by the Ministry responsible for the policy in question and using a working group for implementation. Evaluation framework should consist of territorial objectives, listed in the Strategy of the Spatial Development of the Republic of Slovenia. The local level evaluation is optional and can be useful for specific cases (such as Habitats Directive).

Further issues:

[27] From 2012 reorganisation of the government, the body, responsible for European affairs is a part of Ministry for exterior

[28] From 2012 reorganisation of the government, the body, responsible for spatial planning (Directorate for spatial planning) was moved to the Ministry for infrastructure and spatial planning

Options for public participation should be provided; interested organisations (such as farmers associations, Chamber of Commerce, NGOs as well as the general public) should have at least a chance to follow the procedure and its outcomes and also a channel through which they can contribute their opinions. At present, the level of cooperation with the public in position preparation is at the discretion of the respective Ministry. The working group meetings should be open to the public (representatives of interest groups, NGOs, research and academic institutions). An Internet-based communication tool could also be used to facilitate communication with the public.

Since TIA in the negotiation context can only be performed in a very general and brief manner, it is suggested that TIA based on more detailed analysis should be repeated in the policy transposition phase.

PORTUGAL

On the issue of TIA governance, given the existing organisation of public administration in Portugal, participants:

- expressed their consensual opinion that the screening and scoping team should be placed at the national level (in central government department), but it must have regional representations;
- stressed that all process stages should ensure the existence of multidisciplinary teams, and, if necessary, the presence of external experts in each directive field (for example, if a directive involves very specific technical knowledge). This will help avoid possible bias of analysis;
- acknowledged the benefits of being a process that allows a dynamic of assessment that combines production and circulation of information in two possible directions (top-down and bottom-up), before the final synthesis stage of overall process results. Regional level stakeholders were very sensitive to this question, because they often feel away from assessment processes, which are, in their opinion, too centralised at the national level.

2. Participants' comments on the appropriateness and adequacy of techniques so far employed in the TIA

UNITED KINGDOM

Whilst participants generally agreed that the techniques seemed appropriate, they stated that they can always improve or expand on them over time and through experience. They suggested that it would help if the TIA guidance document clearly stated that the current methods and techniques were only suggestions, and other methods/techniques could also be applied, if found appropriate.

One participant also noted that the TIA guidance should be explicit about speed and flexibility in the various techniques, i.e. state that one can undertake a complex technique like the Portuguese logical chain approach; or a more simple 'back of an envelope' style which is much quicker.

The participants suggested a correction as follows: that with temporal distribution/duration of impacts, 'medium term' should be '0 -10' years instead of '6-10 years' and 'long term' to be '0 to 10 years and over'.

It was also agreed that other impact characteristics beyond what are already covered in the impact assessment matrix would probably be unnecessary (e.g. 'impact probability'), adding little value.

SLOVENIA

In Slovenia participants say that the techniques are useful because they are simple, and the process as proposed does not allow for very sophisticated tools.

The characteristics considered in the Impact Assessment Matrix ('impact magnitude', 'orientation', and 'temporal distribution/duration') were regarded as OK. Although the temporal dimension may be sometimes difficult to judge, and in most cases would be long-term anyway, it is additional information that can be nevertheless useful.

We also asked the participants to comment on the list of core criteria to be used in checklists and IAMs. We proposed a list of criteria composed of criteria based on EU2020 (*Energy efficiency + renewables; Innovation and research; Economic development; Employment; Education and training; Greenhouse gases and climate change; Poverty and social exclusion; Resource consumption*) complemented by criteria based on Slovenian Spatial Development Strategy (*Biodiversity; Air, water and soil pollution; Territorial organization and quality of landscape; Quality and accessibility of the infrastructure; Waste production; Urbanization and size of degraded areas; Heath; Cultural heritage; Administrative costs and burdens; Impact on public revenue; Subsidiarity - Obligations and duties on different territorial/administrative levels*).

The participants commented that the list reflects very much EU mind set, putting forward issues that are "in" while some territorially relevant issues may get lost; such as territorial diversity, rational use of space (impact of policies forcing development which may become a problem to maintain and consequently degraded area).

There was some discussion about the meaning of individual criteria (health, waste, infrastructure…) with the general agreement that any criteria used must be described to avoid ambiguity in interpretation. Especially since some criteria may have different meaning in different MSs (for example landscape quality).

PORTUGAL

Regarding the techniques to use in the proposed TIA tool, participants in the two meetings stressed the following considerations:

- great relevance of directive comprehension matrix. Participants also considered that this understanding stage is basic to confer objectivity, accuracy and uniformity of the assessment exercise as a whole, but also to the various exercises performed by different teams, at different localities (regions). It's very important, at this moment,

to define which the directive's main actions are so as to determine what to focus on;

- related to preceding point, participants noted the probable difficulty for some human resources from public departments (at regional level, but also at national level) to understand the content of some directives, particularly the most technical;
- participants noted the risk of spending too much time to realise directive and identify their main actions and keep within the limited time frame;
- great relevance of assessment criteria matrix. But, the assessment criteria matrix presented at these two meetings (and in prior two meetings) was considered, by all participants, too heavy. This highlights the issue of feasibility if there are too many criteria (whether they are in logical chains, diagrams or matrices);
- It could be beneficial to merge the screening and scoping checklists (with separate fill areas) to avoid redundant contents in two independent checklists. Given that both are completed by the same team, this could simplify the proposal;
- It has enhanced the great relevance of information quality at the end of assessment process. It shouldn't be lengthy, and must focus on quality and efficiency of information. Communication of TIA conclusions should maximise the negotiating power of member states, in order to improve the directive;
- It was suggested that the TIA approach could be developed into a computer platform in order to become faster and more appealing to assessment teams.

3. Participants' comments on screening decision making
UNITED KINGDOM
It was believed that screening decisions should, at least to start with, be made on a case-by-case basis. This was believed reasonable given the limited volume of directive proposals that are produced annually. Having a 'yes'/ 'no 'style prescribed list, would be risky until experience has been developed.
SLOVENIA
It was agreed that a decision should be taken on a case-by-case basis, but it is important that this procedure is transparent and inclusive. One participant mentioned that if certain categories of policies are defined (as obligatory or exempt) in advance then the added value of TIA is questionable.
PORTUGAL

On the issue of screening, i.e. which directive should be put forward for TIA, participants expressed their agreement that all draft directives from the EU should go through this triage, because:

- the number of directives drafts, per year, isn't very high;
- not submitting a directive, because, apparently, it doesn't have any relevant impact in a given member state (either by Member State characteristics, or by directive area, or because there may be a pre-listing types of directives to submit to TIA), may involve a risk of under-valuing relevant impacts that are only identified after a more detailed analysis.

Therefore, the 'case-by-case' screening was considered by all to be the most appropriate and gives greater assurance that a directive will not be devalued unnecessarily or in error.

4. Participants' comments on how to select regions and localities that will undertake a TIA

UNITED KINGDOM

Participants discussed the question of whether the scoping body (government departments) should be responsible for identifying which *specific* localities are likely to be susceptible to policy impacts and for 'targeting' them directly for a TIA or whether it should be left to localities to identify themselves as susceptible and engage in the process proactively.

It was suggested that a mixed approach of targeting some key localities that will clearly be impacted (whenever possible) and allowing others to engage, if they wish, may be most appropriate. Participants noted that on some occasions it will be relatively straight forward for the responsible government department to target relevant localities. For example, if Scoping indicates that coastal authorities will most likely be impacted, targeting of areas for TIA can be identified, using maps. In other cases, this may not be so easy. For example, where Scoping states that areas with a high proportion of old building stock are susceptible, the government department may not be able to identify these areas easily because of data limitations. On such occasions, the participants agreed that it may be more 'pain free' for LPAs to identify themselves as fitting this classification and therefore 'self-select' to participate in the TIA.

SLOVENIA

There was general agreement that (at least) coordination of the assessment phase should stay within the national level, while regional/local is involved as required or feasible.

The participants thought that the existing procedures for preparing local land use plans may not be a useful mechanism for supporting TIA assessment, since they are preoccupied with a different type and scale of problem, also the local community are in any given moment in a

very different stage of plan preparation. However, organisations and people involved in the plan preparation procedures (departments of national sectors, local departments and private companies supporting them) could be involved in TIA since they have a good knowledge of local territorial issues.

A participant from the regional level commented that some regions do have committees for spatial planning, but not all. Municipalities and larger local communities have relatively well equipped departments for spatial planning and /or environment which could cooperate in the assessment. Small local communities do not have adequate resources.

As regards the way of identification and involvement, it was agreed that directly targeting the most exposed communities should be combined by an option for communities to cooperate if they are interested.

Municipalities feel that they are not enough involved in policy making in general, therefore they would welcome some kind of communication from the national level.

The participants also raised the question of the right timing - when the draft proposal is released it may be too late.

PORTUGAL

On this question, participants were unanimous in the opinion that it should be the central government body responsible for screening and scoping stages that should be responsible for identifying which territories (regions) are selected to implement a TIA. This identification is based on impact forecasts of the concerned directive in different territories.

Although they considered this situation as the most common, they also believed that it should be possible for a region, on finding that a directive will have significant impacts on its territory, to be able to take the initiative to implement a TIA itself. This bottom-up approach to implementing TIA can happen, for example, because one region has information about its territory that doesn't exist at national level (and this information can change the initial decision taken in the screening and scoping stages), or because a certain induced or cumulative impact was undervalued that was particularly relevant for a certain region.

The possibility, of top-down and bottom-up implementation of the TIA tool, raises the question of how regions can be informed of all directive drafts that come to the national level, in order to have an opportunity to be proactive.

5. Evaluation at the local/regional levels

UNITED KINGDOM

On the question of whether there was benefit in conducting the *evaluation* at the local level (i.e. evaluating impacts against local objectives) as well as at the national level, and whether

the evaluation should be mandatory, the participants were generally in unison in believing that there was no compulsory need for a local level evaluation, but that it should be an available option.

SLOVENIA

Generally, such evaluation would be valuable especially if local communities themselves see benefit in doing it

One participant mentioned that there would be added value if we could somehow store and use the information from the local level – not just for one specific TIA case, but as a regular practice.

One participant from the local level stressed that local objectives may also be very specific (and confronting the objectives of neighbouring communities) and should be looked upon from the national level (as an example she mentioned the flood directive).

PORTUGAL

With regards to this issue, it was clear from all participants that the evaluation stage must occur at the national level, considering all information produced and collected in previous phases (at national and at regional level). The assessment circle would be closed by the same organism which conducted the screening and scoping. For the Portuguese governance framework this is the 'natural' solution.

6. Time required for TIA?

UNITED KINGDOM

In terms of the workload required for undertaking a TIA, it was generally agreed that the whole exercise could be completed in around 2 days, as follows:

- Screening and Scoping (central government department) = half a day;
- Assessment (LPAs) = half a day;
- Evaluation (central government department) = half a day to a full day

In reality, this may depend on how many localities are involved in the assessment; how many committees (and their sizes) are involved and how well the whole exercise is coordinated. The participants were unanimous that:

- TIA needs to stay focused and not stray into producing voluminous documentation;
- A good guidance document will help to streamline the exercise, as would a web-based mechanism of delivery.

SLOVENIA

It was generally agreed that such a time frame is adequate (*Screening* and *Scoping* = half a day, *Assessment* = half a day, *Evaluation* half a day to a full day depending on how many localities are involved in the assessment), but for evaluation more time would probably be required.

Participants underlined that it is feasible under the assumptions that:

(1) people participating in TIA are already knowledgeable on the policy in question, territorial issues and (general) evaluation approaches

that the main aim of TIA is to point to problematic topics, to act as an early warning system

PORTUGAL

There was consensus among all participants, in two meetings, about time required to perform a TIA. In their opinion, the process must be speedy. They were unable to quantify how many days would be the ideal duration of this assessment procedure, but they suggested a few days.

In order to meet this time objective, there will be some preconditions:

- a very clear and quick methodology, without redundancies. It can't provoke any uncertainty or doubt. These situations are time consuming and reduce the efficiency of the analysis;
- a very focused and well-targeted scoping, which appropriately defines assessment extent.
- some prior knowledge of the draft directive. They consider it essential to have first contact with the text before implementing the assessment methodology. In a procedure that must be fast, it avoids the time needed to gain an understanding of the text. This is a relevant question, because some human resources that would be included in assessment teams have limited experience or direct contact with directive texts.

Annex 5
Article Published in the Journal of the Town and Country Planning Association

Thomas B. Fischer, Olivier Sykes and Tom Gore on using participative Territorial Impact Assessment to increase regional and local authority involvement in drafting EU Directives

making the case for participatory TIA

Public policies in a range of sectors can have direct and indirect impacts which extend beyond the field and issues that they are primarily designed to address. These impacts can include intentional or unintentional spatial or territorial impacts that may be perceived as having a positive or negative effect on particular places. A national transport policy on charging for motorway usage, for example, might lead to an increase in traffic on other roads, affecting noise and emission standards in settlements and areas nearby. This was one effect of the introduction of a distance-based toll for heavy goods vehicles on German federal motorways in 2005. Such impacts might in time come to affect decisions on the location of housing and other development activities, and thus have clear spatial impacts.

Another example is the impact of policies promoting renewable energy crops on policy goals of food security and biodiversity.[1] Unanticipated spatial impacts may also be produced by such a policy, as a result of, for example, changed food logistics networks and associated infrastructure needs. National waste management policy is another field where decisions can be taken which come with a multitude of spatial consequences. This was recognised in New Zealand in 2006, where a range of unintended or 'perverse outcomes' were anticipated following the introduction of a national waste levy. Some of these effects were territorial in nature, such as illegal dumping of waste.[2]

Anticipated or unanticipated territorial impacts of public policy can occur at a variety of geographical scales, including the global, continental, national, regional and local levels. In Europe, for example, such effects have been observed in relation to EU Directives and policies.[3] This instalment of 'The Euro Files' explores this issue and reports on ongoing work on devising and testing a participative Territorial Impact Assessment (TIA) methodology, which may facilitate the contribution of sub-national levels (regional and local) to the drafting process of EU Directives.

Recognising the territorial impacts of EU legislation, policies and programmes

The territorial impacts of EU legislation, policies and programmes on EU Member States, regions and localities have been identified by a number of researchers.[4] Their impact on the Netherlands, for example, has been extensively documented by Nico van Ravesteyn and David Evers in a report entitled *Unseen Europe*.[5]

On a wider front, there are numerous examples which can be cited showing the – sometimes unintended – territorial impacts of EU Directives. By way of illustration, the consequences associated with four of these – the Habitats Directive, the Seveso Directive, the Air Quality Framework Directive and its first 'Daughter Directive', as well as the Energy Services Directive – are considered below. It is important to emphasise that impacts can be both associated with a Directive itself and also with the way it is implemented in a particular member state:

- The development of the Natura 2000 network of protected sites based on the Habitats Directive, on the conservation of natural habitats and wild fauna and flora (Directive 92/43), acted to restrict development opportunities in certain designated areas. This has affected the development of on-shore wind farms in some cases.[6]
- The Netherlands provides an example of an unintended impact of the Seveso II Directive on the control of major-accident hazards (Directive 96/82/EC). In one case a new stadium could not be built adjoining a railway station given the potential for trains carrying dangerous chemicals to also use the railway and pass in close proximity to the site. This created a conflict with existing Dutch transport and land use policy, which strongly supports good public transport access to stadia.
- Another example from the Netherlands concerns the national implementation of the first Daughter Directive of the Air Quality Framework Directive, limiting sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (Directive 1999/30/EC). As Bas Waterhout has explained, the Netherlands was the only Member State to connect air quality to spatial planning when transposing this Directive

into national legislation – effectively meaning that development in areas with air quality exceeding the Directive limit values had to be restricted.[7] As air quality in the majority of the country exceeds these limit values, particularly in terms of particulate matter, owing largely to natural factors (sea salt aerosols),[8] many development projects were subsequently blocked.

- Finally, the Energy Services Directive, on energy end-use efficiency and energy services (Directive 2006/32/EC), is another example of an EU legislative act that may come to have territorial effects. While in the long term the Directive is expected to lead to falling energy prices in more populous countries dominated by a few providers, it may have the opposite effect in less populous countries or regions, where the market is not large enough to sustain several smaller providers. This has been raised as a concern in some territories – such as Northern Ireland.

Olivia Sykes

Above

Paris Gare du Nord – the north European high-speed rail network has modified the position in relational space of certain cities and regions, opening up opportunities for some places and posing development challenges for others

'Participatory Territorial Impact Assessment of developing European policies and Directives, applied at the level of EU Member States, with input from regional and local levels, has recently been proposed as a tool that may help stakeholders to better anticipate and understand the territorial impacts of policy proposals'

Assessing the impacts of European policies and their territorial impacts

Since 2003, the European Commission has undertaken Impact Assessment (IA) of its policy proposals, to detect and evaluate potential positive and negative economic, social and environmental impacts.[9] While this initiative is without doubt a laudable effort, making reliable predictions at this level of decision-making is notoriously difficult, particularly as impacts normally vary quite substantially across Europe and may depend in particular on the unique characteristics of a specific region or locality.

While the consultation of regional and local stakeholders in European Commission Impact Assessment could potentially help to obtain a better territorial picture of possible impacts, it would be difficult, if not impossible, to obtain a clear picture from the responses of Europe's many regions and localities. Territorial dimensions of EU Directives (and their transposition), as well as of other sector policies and programmes, can therefore be overlooked, either in generic terms or as regards their impacts on certain regions or localities.

Against this backdrop, participatory Territorial Impact Assessment (TIA) of developing European policies and Directives, applied at the level of EU Member States, with input from regional and local levels, has recently been proposed as a tool that may help stakeholders to better anticipate and understand the territorial impacts of policy proposals. In this context, territorial impacts can be seen both as impacts on spatial usage (for example sprawl or new infrastructure) and also as broader socio-economic and environmental impacts that may differ in different regions or localities across the EU territory. Ultimately, it is hoped that TIA should benefit both sector policy and territory.

The European Observation Network for Territorial Development and Cohesion (ESPON) Programme has undertaken some substantial work on TIA in recent years. Most assessments in this context have revolved around spatial modelling of impacts of

existing European policy and Directives, focusing on ex-post assessment. Examples include the SASI model, a recursive simulation model of socio-economic regional development which focuses on transport; the CGEurope model, a spatial, computable general equilibrium model (originally developed in the context of the Trans-European Transport Networks (TENs), with the intention of also being usable for other transport policy measures); and the STIMA model, providing an approach to 'Spatial Telecommunications Impact Assessment'.[10]

In addition, modelling tools for ex-ante assessment have also been developed, notably the TEQUILA model. To date, this has been used to carry out some exploratory assessments and in an ESPON project examining agricultural and transport policy (TIPTAP– Territorial Impact Package for Transport and Agricultural Policies).[11]

Addressing the needs of policy-makers – developing a participatory approach to TIA

Seeking to build on and complement existing ESPON studies, the current ESPON and TIA (EATIA) project aims to develop a TIA approach tailored to the requirements of policy-makers. The EATIA project was initiated by stakeholders from the Ministries responsible for spatial planning in the UK, Slovenia and Portugal and is being delivered by a project team from the Universities of Liverpool, Porto, Ljubljana and Delft. In initiating the EATIA project, the key priorities were:

- that TIA should provide a supportive tool in the policy-making cycle to enable policy-makers and practitioners to anticipate or adapt to emerging sectoral policies;
- that TIA should be able to be undertaken ex-ante and without being delayed by heavy data requirements;
- that the TIA framework should not introduce new formal assessment obligations; and
- that the project should build on the conclusions of the Azores Informal Meeting of EU Ministers responsible for spatial planning and development in 2007, which agreed the First Territorial Agenda of the EU Action Programme[12] and recognised the role of spatial planning in promoting the coherence of sectoral policies and their territorial impacts in a multi-level governance system.

Interactive learning networks, consisting of between 15 and 25 public and private sector stakeholders with an interest in spatial planning, territorial cohesion and impact assessment, have been set up in each of the three stakeholder countries. These provide for critical feedback and suggestions throughout the lifetime of the project. Furthermore, in addition to drawing on work from previous ESPON studies, the EATIA project draws on the findings of ongoing ESPON work, in particular the ESPON ARTS (Assessment of Regional and Territorial Sensitivity) and INTERCO (Indicators of Territorial Cohesion) projects.[13]

'The intention is not to develop a new formal assessment obligation at Member State, regional and local levels, but to consider how issues of governance, process and method can be addressed and combined to develop a TIA approach which helps to improve the territorial sensitivity of EU-level decision-making'

The EATIA project's aim is to develop a 'policy-maker-friendly' TIA framework for regional and local level assessment of European Directives. While the focus of the project is on EU level policy, principally Directives, the methods and processes of TIA developed as part of the project may be applicable at other levels of policy-making. Indeed, the TIA framework being developed may provide an opportunity for better policy-making in Member States. In developing a TIA approach for European draft Directives, the project recognises that aspects of *governance*, *process* and *method/assessment technique*[14] should be taken into account:

- ***Governance:*** TIA needs to be conducted at the correct administrative and (inter-) sector levels. Different sectors, stakeholders and administrations may need to collaborate - for example, at the EU level to assess the interaction of and potential for conflict between Directives/policies as these play out in space and impact on territory. From a policy-maker's perspective, application of the principle of subsidiarity is also crucial for effective and efficient impact prediction – impacts are best assessed at the most appropriate local level. As well as considering territorial impacts so as to contribute to improved EU policy-making, local

areas will hopefully have an opportunity to reflect on how they can achieve the aims of a policy/Directive, and how its implementation may enable delivery of locally-derived policy objectives.

- ***Process:*** There is a need for a participatory process that facilitates the prediction of direct and indirect territorial impacts by enabling relevant stakeholders to bring their knowledge, experience and insights to bear on the identification of possible territorial effects.
- ***Method:*** Effective prediction techniques that can add scientific credibility to the TIA process are required.

Conclusion

The participatory framework approach to TIA being developed by the EATIA project aims to be sensitive to the diverse contexts of different member states and EU territories, while retaining common elements that can provide for comparability in understanding the territorial impacts of proposed policies across Europe. The aim is not to develop a new formal assessment obligation at Member State, regional and local levels, but to consider how issues of governance, process and method can be addressed and combined to develop a TIA approach which helps to improve the territorial sensitivity of EU-level decision-making by soliciting the knowledge, experience and insights of the actors closest to the 'on the ground' territorial impacts of EU legislation.

Ultimately, the hope is that participatory TIA should lead to a better understanding of policy impacts at different levels, from the European level down to the local level, and perhaps foster a stronger consideration of territorial effects within the existing assessment procedures that public authorities conduct in relation to their own plans, policies or programmes and territorial circumstances.

● ***Professor Thomas B. Fischer, Dr Olivier Sykes*** *and* ***Tom Gore*** *are with the Department of Civic Design in the School of Environmental Sciences at the University of Liverpool. The views expressed here are personal.*

Notes

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Annex 6:

TIA experience Netherlands – Performing a Territorial Impact Assessment of the EU Biodiversity Strategy 2020

In the original tender and project specifications it was not foreseen that the TIA framework developed within the ESDP EATIA project would be tested in the Netherlands. Due to internal demand at the Dutch ministry of I&M (*Infrastructuur en Milieu*, translating as: infrastructure and environment), which is a formal supporter of the EATIA project, a possibility emerged to develop and perform a Territorial Impact Assessment in the Netherlands. Because the question arose autonomously and was not directly related to the EATIA project the experience can be regarded as slightly different and complementary to the 'standard' EATIA TIAs. Hence the reporting differs too in a sense that it is written as a case study, rather than following the usual reporting format.

There are at least three key differences between the Dutch and the other EATIA cases. A first key difference is the focus on a not yet agreed upon policy. This means that the TIA is performed ex-ante, whereas most EATIA experiences are based on ex-post assessments. As will become clear below the ex-ante character of the TIA, which means that a TIA is done whilst the policy is still in the making, may add some complexity to the process, both politically and technically. A second key difference is that the Dutch TIA is not performed on a directive but on an EU strategy, more in particular the EU Biodiversity Strategy 2020. The reason behind this is that at the moment of performing the TIA there simply was no directive 'in-the-making' available from which much territorial impact could be expected. Applying TIA to a strategy rather than a directive also may add some complexity to the process because a strategy usually is more abstract and allows for more flexibility in its application, if any, than a directive. Due to the larger number of uncertainties the process of doing a TIA may become less straightforward. A third key difference is that through the entire Dutch test case, the national negotiator of the policy was present. In the EATIA methodology, it is anticipated that the Department / Ministry formulating the national position on a draft directive will take the lead of the TIA and that regional / local level will conduct the assessment / appraisal.

A forth difference, albeit one of lesser significance, is that the client is the spatial planning department of the ministry of I&M which results in a focus that is predominantly directed at *spatial* rather than *territorial* impacts. Spatial impacts are understood as impacts that directly affect places with specific

spatial characteristics. Territorial impact can include eg governance and others aspects, as is explained in the definition of 'territorial impact' in the TIA guidance.. In the case of an EU directive or policy causing territorial impact this translates in one or more regions being significantly more affected than other regions. For example, if a policy prescribes a certain treatment of live stock or of a particular crop, regions with a high share of agriculture will be more heavily affected than, for example, urban regions. In this sense spatial and territorial impacts can occur separately from each other, but also in terms of a combination in a sense that a certain spatial impact is more likely to occur in specific regions and therewith also become a territorial impact. In the Netherlands, however, the balance between regions is no longer a formal competence of the national administration (and when it was this was not the competency of the Ministry of I&M, but of Economic Affairs). Regions are regarded as themselves being responsible for their own direction of development. As a consequence, doing a TIA in the Netherlands has its own peculiarities, as will become clear below.

Preparation stage

The TIA on the biodiversity strategy did not start right away, there has been a trajectory leading up to it. Before deciding on doing a TIA at all a first exercise was to analyse the current Commission's Impact Assessment procedure and to assess whether or not it takes spatial and territorial issues into account. The Ministry of I&M always has considered the Commission's IA as the most important route for structurally raising attention for the spatial and territorial dimension of EU policies. In an earlier analysis (Zonneveld & Waterhout 2009) it was already indicated that the IA, although not using its full potential, is in fact suitable to also address territorial issues.

A small analysis in the Summer of 2011, done by consultancy firm KplusV, of the Impact Assessments on the 'Package of Implementation measures for the EU's objectives on climate change and renewable energy for 2020' and the 'EU Biodiversity Strategy to 2020', both policy packages that can be expected to have spatial and territorial effects, revealed that indeed these IA's still pay little attention to territorial effects even when such effects seem to be quite obvious (KplusV 2011). Earlier quoted reasons for this include that 1) the responsible Commission's DG is not trained to look into territorial effects and hence easily overlooks them, 2) there are no easy-to-use tools for assessing territorial impact and 3) the Commission's services, who are represented in the Impact Assessment inter-service group, have no interest in territorial issues. The latter may exclude DG Regio which, however, as regards this specific interest, might be understaffed.

After the analysis was completed, the ministry of I&M decided to try out performing a Territorial Impact Assessment on one of the policies mentioned above. In conjunction with the researchers who would actually prepare the TIA, a team of KplusV and Delft University of Technology, it was decided to focus on the Biodiversity package 2020, which was considered more 'spatial'. In so doing the Impact Assessment on Biodiversity[29] formed the context for the TIA exercise, in a sense that the main purpose was to show that a TIA could do better than the IA.

The plan to carry out the TIA largely followed the three-step approach of screening, scoping and assessing and evaluating. Screening and scoping would be done by means of two consecutive meetings with a limited set of stakeholders. Both meetings were prepared and guided by KplusV and Delft University of Technology. Based on the outcomes of these meetings a decision would be made whether or not a third meeting with a wider set of stakeholders would be organised in order to validate the scoping and screening stages and to perform the actual assessment and evaluation. In order to reach maximum efficiency and effectiveness this third meeting would take the shape of a GDR session.[30] When properly facilitated, such a session can be very effective when working in groups from 10 to 20 people and reduces the required time of the meeting by some 50%. However, as will be explained below, this stage has not been reached.

Course of events

The project started in October 2011 and since then moved through various rounds and stages. Four meetings were organised in total of which two explicitly were devoted to Territorial Impact Assessment in the presence of external stakeholders. Two preparation meetings were organised with representatives of the two involved ministries: the ministry of I&M and the ministry of innovation, economy and agriculture (ELI), which is responsible for developing and implementing the Biodiversity 2020 strategy. A first meeting involved high level officials and paved the way for a second meeting with lower placed but more expert representatives.

It took a while before the ministry of ELI agreed with the idea of doing a TIA on one of the policies for which they carry the responsibility. This can to some extent be explained by the Dutch administrative culture that, in particular at the national level, can be characterised by pragmatism. Except for a few formal interdepartmental coordination mechanisms, EU matters are usually exclusively dealt with by the responsible ministry along the lines of the

[29] SEC(2011) 540 final

[30] http://tbm.tudelft.nl/index.php?id=30250&L=1

'principle of departmental autonomy'. This means that the responsible department involves other departments to its own insights. Mingling into the business of another department is not popular and requires sound argumentation. Hence the two meetings prior to starting testing the TIA on the Biodiversity package.

Caught between policy and analytical perspectives

A main issue for the representatives of the Ministry of ELI, who also represent the Netherlands at the Biodiversity negotiations at EU level, was that according to them and their efforts the whole package would not have any territorial or spatial impact at all from a policy perspective. Following a number of recent issues with territorial impact of EU regulation in the Netherlands, politics had become alert of preventing these as well as other unexpected and undesired impacts which translates in quite a defensive attitude of Dutch delegations in EU negotiations. Whereas this attitude got further emphasised with the 2010 government, which takes a pragmatic-reluctant position towards the EU, this attitude is particularly emphasised in the case of the ministry of ELI whose secretary of state is dealing with impacts and unpopular obligations rising from the habitat directive. With regard to the biodiversity package this has translated into a negotiation strategy of the Dutch delegation which should prevent any territorial or spatial impact from the final policy. So, from a policy perspective there will not be any territorial impact according to the representatives of ELI. The question, however, and a legitimate one probably, as posed by the spatial planning representation of the ministry of I&M, will this also be the case when looking from an analytical perspective? Answering this question and, more accurately, entering into a more analytical discussion as regards the possible territorial effects of the biodiversity package proved to be very difficult in the subsequent two meetings, as will be illustrated below.

1st Stakeholder meeting – knowledge asymmetry

The first stakeholder meeting was organised in January 2012 with all together some ten persons present. Besides the researchers and client (the unit of EU affairs of the Ministry of I&M), representatives of the ministry of I&M, the ministry of ELI were present as well as experts from the Netherlands National Assessment Agency and Wageningen University. Participants had been informed prior to the meeting about its purpose and been provided with a number of preparatory documents. The meeting started with a general introduction as regards TIA, the need for TIA and recent issues in terms of undesired territorial effects caused by EU directives. These were broadly known to most participants, but they did not really have in-depth knowledge of them.

The second stage of the meeting was mainly dedicated to brainstorm about the possible impacts of the biodiversity package. This was done by using a 'post-it' method: each participant wrote down each possible effect that he or she can imagine on a single post-it card. In a next step all post-it's are being assembled and categorised and this fuels discussion. Categorisation was done at two levels, firstly by dividing them over the six targets of the biodiversity package and secondly by categorising them at the level of each of these targets. Each of the targets was discussed separately.

While generally speaking the discussion took off well, it was not entirely satisfying. Although not recognised then, this had to do with what could be described as a knowledge asymmetry between the participants. On the one hand, there were the very knowledgeable biodiversity negotiators from the ministry of ELI and on the other hand there are the layman planning officials from the ministry of I&M, with the experts from the Netherlands National Assessment Agency and Wageningen University sitting somewhere in the middle when it comes to knowledge of biodiversity. Because these participants are trained differently, they see different things and may interpret things differently. Hence a key element of TIA is the confrontation between policymakers from different sectors. To establish a constructive discussion in which stakeholders with different perspectives inform and challenge one another in order to finally arrive on the best possible consensus regarding possible territorial impact from a given policy is thus difficult.

Although the post-it exercise led to a fair amount of discussion in terms of length, the quality of the discussion was rather compromised by the knowledge asymmetry. Often the ELI biodiversity negotiators hit the brake or simply dismissed potential effects of the biodiversity package that were seen by others, by referring to the intentions behind measures in the policy package and by explaining the political context from which they had emerged. This led to a somewhat unbalanced discussion in which it became difficult to address potential effects of the biodiversity package that had not been foreseen already. In hindsight, the discussion would likely been have more effective when facilitated and prepared in a different way (see below). Nevertheless, apart from the somewhat unbalanced discussion, the post-it exercise turned out some pretty useful results which were summarized, elaborated on and reported back before the second meeting.

2nd Stakeholder meeting – the policy vs analytical perspective

On 14 February 2012, a second stakeholder meeting was organised with, except from one representative of the ministry of ELI, who had other obligations, exactly the same participants. The participants had received the

report of the first meeting beforehand, which included amongst others six logical chains, each devoted to one of the biodiversity package's measures, their elaboration and a classical mind-map providing an interpretation of the possible implementation measures of the biodiversity package. The purpose of the second meeting was to 1) validate the report, look for possibly overlooked effects that nevertheless should be taken into account, 2) identify effects and relationships between effects that could be significant and require further elaboration in a next round and 3) to agree on the necessity of a third meeting with a wider set of - to-be-identified - stakeholders. In order yo check whether issues had been overlooked, a simple general checklist was supplied.
However, despite all good intentions and preparations, again the discussion did not start off well and this set the tone for the remainder of the meeting. After presenting the results and inviting discussion, the the negotiator from ELI intervened and asked (again):

> "what is the purpose of this meeting? Can someone explain it to me? As far as our ministry and our state secretary is concerned there will not be any spatial or territorial impact caused by the Biodiversity Package. We will take care of that. So, again, what is the purpose of this meeting?"

So here again the policy perspective took over. And again it was explained that this was an attempt to find out whether and how TIA works and that the Biodiversity Package was used as a test-case and that there is no intention to evaluate the work of the ministry of ELI, something they thought was implicitly suggested. Whereas this eased the air for a while, the atmosphere remained tense.

It was not particularly beneficial that it also turned out to be difficult to have a more substantive analytical discussion. The main reason was that the results of the previous meeting remained quite abstract and that many of the participants, in particular those from the ministry of I&M, the actual client, did not feel very confident concerning the contents and details of the biodiversity package. The knowledge asymmetry played up here. Given the already tense atmosphere this did not contribute to a context in which participants comfortably could air and discuss their impressions and opinions . In fact, most participants acted defensive, partly because they were afraid to lose face in front of their colleagues and others, partly because they did not have much of a grip on the policy itself. Again, the Biodiversity Package itself was perceived as pretty abstract with real world impacts always depending on one or several follow-up decisions.

Efforts to represent earlier outcomes by means of logical chains accompanied by explanations could not fully prevent this. The logical chains, at least the diagrams, of which there were six in total were not considered very helpful because they failed to make clear what particular measures, which were merely described, actually would cause the potential effect. Unfortunately, during the first meeting most emphasis was put on possible effects, without clearly indicating the type of measures that could lead to them. Also as regards potential effects, the report at this stage did not include many references to reliable sources (as it was the purpose of the second meeting to identify such sources). Even the Commission's Impact Assessment on biodiversity did not prove very helpful in this respect. Although it provides a lot of condensed information and points of some useful sources, it was considered off topic where territorial or spatial issues are concerned.

Yet, despite all this, the meeting still proved reasonable useful. Various potential impacts were discussed, based on the logical chains (see Figure 1). It proved difficult to become selective at this stage and indicate which potential effects would be most significant and required further analysis. Too many uncertainties as regards to the final implementation of the policy left the participants with a feeling not to be able to grasp the whole package and its possible implications. It was therefore welcomed that the negotiators from ELI could provide the political background and ideas underlying several elements of the biodiversity package. This contextualising proved helpful in terms of understanding and assessing possible effects of the policy, even though it was felt that, despite ELI's efforts on the EU negotiating tables, this could not guarantee a total lack of effects, in particular not in the longer term. A further important part of this contextualising included the supply and indicating of useful sources, be it political or scientific, regarding biodiversity itself and strategies to improve it. It remained difficult, however, to enter into a more analytical discussion. Even when it was explicitly proposed by one of the experts to step away from the political perspective and becoming more analytical, as this could be beneficial for the Netherlands as such, the ELI negotiators indicated that there was no need for this and simply refused to do so.

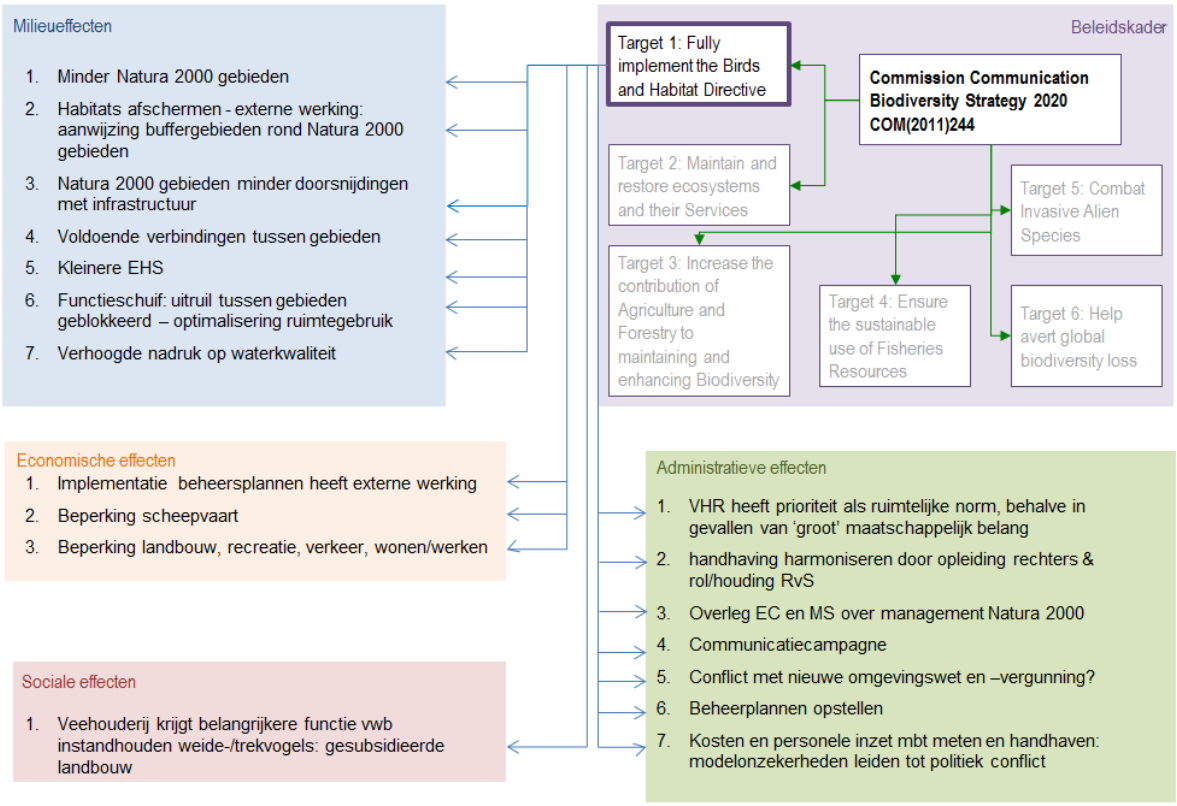

Figure 1. Example of one of the logical chains for Target 1 of the Biodiversity Strategy 2020. Note the missing measures between potential effects and the policy target.

The meeting ended and left an unsatisfactory feeling by most of the participants. The ELI negotiators had become a little frustrated and largely considered the exercise as a waste of their time. The experts were slightly disappointed because they felt that they had not been able to offer to their capabilities, mainly due to the lack of a proper analytical debate. The spatial planning representatives from the ministry of I&M left with a feeling that they could not really assess the territorial and spatial impacts because they felt unable to master the biodiversity package. The client, the ministry of I&M, took this in a resigned mood of modest surprise. The same counted for the team of researchers/consultants.

Reconsideration stage

A meeting between the consultants and client took place later in early March in order to reconsider the TIA assignment. Clearly, both were of the opinion that the exercise did not work as smoothly as expected. It was clear to both that it did not make sense to organise a third GDR meeting with a wider set of stakeholders, since the material and analysis of potential impact that could be presented was not sufficiently elaborated on and it would consume too much time to bring it up to the desired level. It was therefore decided to minimally

improve the analysis that was performed so far and, more importantly, to reflect on the recent experiences and develop an overview of do's and don'ts.

Also, another important conclusion was drawn: if TIA is to be taken seriously, this means that the responsible ministry, the ministry of I&M, has to step-up to this and convince other departments of the usefulness and necessity of performing proper territorial impact assessment. This conclusion clearly relates to the difficulty of creating an appropriate atmosphere for analytical discussion during the previous stakeholder meetings and also to the preparatory talks between the two ministries in order to actually arrive at a certain level of consensus for trying out the TIA on biodiversity. Already, this preparation required the involvement of quite highly placed officials, but apparently this is not sufficient for subsequently carrying out a successful TIA, with full co-operation of all representatives. Consequently the preliminary conclusion was drawn that if TIA should become successful and accepted the ministry of I&M including its minister should throw in its full weight and, if necessary, turns TIA into a political issue.

Some findings and conclusion

As has become clear from the Dutch experience, doing a TIA can be treacherous and difficult, in particular when general consensus over its necessity is lacking. This leads to a number of findings, questions (but because of the stage of the research not necessarily answers) and recommendations, in particular in relation to the process of doing a TIA. In random order, these include:

- How to circumvent or get rid of the political element in analysing the potential territorial and spatial impacts of a policy?
- Is each and every policy, from directives to more abstract strategies, suitable for undergoing a TIA? And if so, does the TIA approach differ between types of policies?
- How to deal with the knowledge asymmetry between sectoral policy experts and the territorial policy representation?
- What is the best composition of stakeholder meetings during several stages of the TIA process? And should stakeholder meetings be complemented by meetings with individual experts and policy makers?
- How to deal with large amounts of data on a particular policy? How to select relevant data and how to avoid arbitrariness?
- If it is decided that an information management strategy is developed as part of the TIA methodology then a question with regards to this strategy is: where to search for information and data? What is the desired level of detail? What is considered to be information and data?

- How to bring focus to a TIA when the policy under consideration is fairly abstract itself?
- Logical chains cannot always be done in an intuitive manner. They should clearly indicate the intermediate step (the policy measure) between the policy objective on the one hand and the potential spatial/territorial effect on the other.
- TIA's can be regarded as being largely based on assumptions and opinions and therefore as methodologically weak. This emphasises the need of making use of reliable data and sources.
- Methodologically it may be interesting to make better use of existing and generally accepted scenario methods which take several (interrelated) uncertainties into account. Other possibly useful methods include:

    - Contingency planning: a 'what if' instrument that each time takes into account one specific uncertainty;
    - Sensitivity analysis, in which, in ESPON ARTS project fashion, the impact of change of one variable is being analysed;
    - Delphi-method, which contrary to the scenario-method analyses those possibilities that are likely to occur based on plausible future perspectives and aims to develop consensus amongst experts by means of surveys and iterative report and feedback loops.

- In the Dutch case it has been suggested that individual experts should be addressed during the TIA process. This may be advisable, however, the question this raises is: How deep and elaborate should the analysis be and do required investments in time and finance balance against the expected outcomes?
- A fundamental element of a TIA should be to identify risks that are related to the new policy.
- The European Commission's Impact Assessment is not an aimed at identifying possible unintended or unforeseen effects that could occur, but is rather a feasibility study. In that respect the IA differs from a TIA, which focuses on potential unintended and undesired spatial and territorial impacts.

In general it can be concluded that the Dutch TIA exercise, which differs from the other EATIA TIA's in a sense that it is performed ex ante on a current policy process, that it included the national negotiator of the policy and that it didn't actually go to the regional / local levels of decision making has not been a entirely successful. This raises some questions. . One of the conclusions is that the ESPON EATIA guidance can be applied, but needs to be tuned to the specific situation. Some elements may be less applicable than others. In

deciding how to apply the guidance there is an important role for the TIA coordinator who should be able to make an informed assessment of what may and may not work in a given situation. Obviously, it is easy to underestimate the political tensions that may come to the surface during a TIA process. This is basically what happened in the Dutch case. Despite preparatory arrangements and consensus about the usefulness of a TIA on high official level, this apparently was not sufficient for a satisfactory experience. Hence one of the conclusions was that if TIA is to become successful this requires full political support, which may involve making TIA a political issue.

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