

EATIA ESPON and Territorial Impact Assessment

Targeted Analysis 2013/2/9

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Executive Summary

Background

Sectoral policies have territorial impacts. These can be intentional or unintentional and can result in positive or negative effects for a territory. A national policy on renewable energy infrastructure, for example, may lead to conflicts with policy on environmental protection areas. Or, transport policy may lead to unanticipated economic and social impacts in rural areas. Research has shown that EU directives and policy can also have territorial impacts. Consider, for instance, the impact of the Habitats Directive (**Council Directive 92/43/EEC**). The development of the Natura 2000 network of protected sites acted to restrict development opportunities in certain designated areas. This in turn, has, for better or worse, influenced the patterns of spatial development throughout the EU.

The European Commission undertakes an Impact Assessment (IA) of their policy proposals to detect and evaluate both, intended and unintended impacts. However, prediction is notoriously difficult, particularly as impacts vary across Europe, depending on the characteristics of the specific region or locality. Whilst the consultation of regional and local stakeholders can help to obtain a better territorial picture of potential impacts, it is problematic to get a full picture from the responses of Europe's many regions and localities. The territorial dimension of sector policies, EU directives (and their transposition) can therefore sometimes be overlooked. In this context, Territorial Impact Assessment (TIA) of developing European policies and directives has recently been proposed as a suitable tool to better help anticipate and understand the territorial impacts of these proposals.

The ESPON Programme has undertaken pioneering work on TIA in recent years. The programme carried out a wide range of *ex-post* assessments. It also developed a tool for *ex-ante* assessment that served to carry out exploratory assessments. Building on the conclusions of Action 2.2 of the First Territorial Agenda Action Plan (and the Amsterdam conclusions) the 'ESPON and TIA' (EATIA) project is the latest of these research projects. This Interim Report serves to detail progress at the mid-point of this project.

The EATIA project

Within the ESPON 2013 programme, the EATIA project is classified as a 'targeted analysis'. It is therefore being driven by specific need, in this case that expressed by national stakeholders in the UK, Portugal and Slovenia. Accordingly, the project has been tasked with developing a TIA framework for the *ex-ante* assessment of EU policy proposals at the EU member state level. This 'bottom-up' approach to TIA differing from the top-down orientated TIA work which largely characterises developments in this area to date. In meeting the requirements of the project's national stakeholders, the project aims to develop an approach that is:

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

In line with these aspirations, work under the project has been structured around a number of objectives: (1) to establish the differences and similarities of existing impact assessment tools, (2) to design a TIA framework, (3) to test the applicability of the framework, (4) to assess the usefulness and benefits of the approach, and finally, (5) to draw conclusions and recommendations. In meeting each of these objectives, a two track methodological approach has been adopted consisting of an analytical track and an interactive learning track. Whilst the former consists of work conducted exclusively by the TPG, the latter track has been established in order to allow practitioner input to flow into the project. This is seen as an essential in ensuring that the framework developed is suitable for purpose. This track has been facilitated by the formation of 'national feedback networks' in the UK, Portugal and Slovenia. Each of these groups of 15-20 national practitioners, representing various administrative levels, are consulted at key points in the project's development in parallel workshop sessions in each of the stakeholder countries. To date these groups have proved highly influential in steering the study.

Progress

Since the inception report, which further elaborated on the project's analytical approach and detailed the initial results of the evaluation of impact assessment tools, work has commenced on developing a preliminary TIA framework. In beginning work in this area it has first been necessary to develop a consistent understanding of what is meant by the term 'territorial impact' and from this, a workable definition TIA. Accordingly, in line with discussions with the national feedback networks, in the EATIA project a 'territorial impact'¹ 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 policy or directive. Thus, TIA is consequently 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.

¹ *These impacts may be of a direct, indirect, intended, unintended, positive, negative or cumulative in nature.*

In accordance with this understanding, a preliminary TIA framework has been developed (see next page). The framework has been structured around three elements:

- *Process*: In line with other well established impact assessment procedures the framework is structured around a cascading process consisting of screening, scoping and assessment².
- *Methods*: The framework utilises a number of techniques to facilitate activities in each stage of the TIA process. Drawing on the outputs of previous ESPON projects, three main techniques are employed: assessment criteria, logical chains and area typologies.
- *Governance*: The governance dimension operationalises the methodological aspects of the framework in a given country. Whilst these are applicable in other member states, specific governance arrangements have been considered for the UK, Portugal and Slovenia.

In line with the projects objectives, this framework will now be tested in each of the stakeholder countries and amended as appropriate. To do this it will be applied to four EU directives in each of the countries in a 'mock' *ex-ante* fashion. One of the key challenges is to ensure that whilst the framework is flexible and practical enough to be 'pain-free' in its application it is also capable of producing credible results. Consequently, it is envisaged that these considerations will form a critical element of the evaluation process. It is anticipated that initial outputs of the testing process will be available from December 2011.

² To date the focus has been on developing a TIA framework for use in policy negotiations. In the case of policy transposition, an additional impact 'monitoring' stage could be envisaged.

TIA framework summary

Process		Methods/techniques	Governance		
			UK	SI	PT
Screening:	Determination on a case-by-case basis whether TIA is necessary for an EU policy proposal or policy option under development.	<ul style="list-style-type: none"> – Screening checklist based on assessment criteria; – Logical chains. 	Policy relevant government department (s)	Ministry of Environment and Spatial Planning	PT representation Central Administration
Scoping:	<p>Interpretation of policy proposal (or policy option) and identification of:</p> <ol style="list-style-type: none"> 1. The individual policy elements that are likely to have territorial impacts. 2. Territorial fields in which impacts will most likely be felt. 3. Target localities, i.e. those 'types' of locality at the regional/local levels in which the identified impacts are likely to occur or be most significant. 	<ul style="list-style-type: none"> – Scoping checklist based on assessment criteria; – Logical chains; – Area typology. 	Policy relevant government department (s)	Ministry of Environment and Spatial Planning	Central Administration
Assessment and interpretation	Application of assessment techniques in target localities to identify potential impacts. Amalgamation of all local/regional level outputs and interpretation.	<ul style="list-style-type: none"> – Assessment matrix; – Logical chains; – Assessment sub-criteria; – Charts/graphs; – Evaluation matrices. 	Planning authorities with policy relevant government department (s)	Association of Municipalities of Slovenia	Regional Administration in collaboration with Central Administration

1 Background and Introduction

Since the ESDP, published back in 1999, Territorial Impact Assessment (TIA) has become a well-known concept in policy networks around European spatial development and territorial cohesion. Among the member state and European Commission representatives, as well as within the ESPON network, there is a general consensus on the usefulness of TIA, its scope and focus on EU policies and its institutional position. Whereas this consensus has developed over time, it does not necessarily translate into wider political support for introducing a TIA instrument in EU and/or domestic policy making. Below we will discuss the political context of TIA by first addressing the evolving political debate. The work on developing TIA methodologies, notably under the auspices of the ESPON programme, is then discussed. The issues and outstanding questions surrounding the operationalisation of TIA as a multi-level assessment tool are then assessed as regards the influence of the discourse surrounding TIA on a wider range of stakeholders, outside the realm of territorial cohesion and spatial development initiatives. After this more general assessment a closer look will be taken at the European Commission and individual member states and factors that may influence the political support for TIA in these arenas. Finally, the goals of the ESPON and Territorial Impact Assessment project (EATIA) are introduced.

1.1. An evolving political debate

Since the 1990s there has been a debate in Europe about the effects of EU sectoral policies and legislation on different territories. The recognition of the spatial dimension and impacts of the process of European integration by member states and the European Commission led to the publication of a number of reports, including the *European Spatial Development Perspective* (ESDP) which was agreed in 1999. During the elaboration of this document the need for some form of assessment of the territorial impacts of EU policies was recognised. The ESDP called for 'Territorial Impact Assessment' (TIA) to be undertaken in relation to large infrastructure projects (notably in the field of transport), large-scale water management projects and in relation to cross-border spatial development. EU member states were also encouraged to intensify the exchange of experience on TIA within Europe and to further 'develop national regulations and instruments' on the matter. The ESDP itself adopted an interpretation of 'Balanced and Sustainable Spatial Development' which emphasised the need for territorially-significant policies and programmes to address economic, social, environmental and cultural aspects of sustainability.

The role of TIA would be to provide a method of assessing the extent to which extant and emerging policies across the scales of multi-level governance in the EU might contribute to, or detract from, the balanced delivery of these goals at EU-level and in given national, regional and local territories. A key concern to provide a mechanism which might be able to assess the 'coherence' of policy interventions as these might affect a particular territory. In light of the often sectoral focus of policy-making across the scales of MLG in Europe, it was concluded that there was a clear need to enhance the consideration of territorial impacts within policy development to anticipate, and ideally mitigate any negative, effects of programmes and legislation. Reflecting the attention given to TIA in the ESDP, the follow-up ESDP Action Plan agreed in Tampere in 1999 sought to sustain the momentum behind the development of a workable TIA methodology, notably by making this a task of the ESPON (2006) Programme.

The notion of assessing the territorial impacts of EU policies also received an important fillip with publication of the *European Governance White Paper* of 2001, which explicitly called for 'Overall Policy Coherence' and recognised that the 'territorial impact of EU policies in areas such as transport, energy or environment should be addressed' and that 'there is a need to avoid a logic which is too sector-specific'. In order to deliver policy coherence, the White Paper sought to promote greater involvement and dialogue with local and regional authorities in policy development and called on the EU's Committee of the Regions (CoR) to 'play a more proactive role in examining policy' and 'Review the local and regional impact of certain directives'. The 2000s were also marked by a shift in official EU language away from the notion of spatial development articulated in the ESDP, with debates increasingly being framed with reference to the goal of achieving 'territorial cohesion'. This was reflected in a number of documents published from the mid-2000s onwards, notably *The Third EU Report on Economic and Social Cohesion "A New Partnership for Cohesion"* (2004), which gave explicit consideration to the meaning and implications of the goal of territorial cohesion (TC), and the 'successor' to the ESDP – *The Territorial Agenda of the European Union – Towards a More Competitive and Sustainable Europe of Diverse Regions* (TA) (2007). Such discussion of the concept of TC was followed-up by its inclusion as an objective of the EU alongside economic and social cohesion in the EU Reform Treaty signed in Lisbon in December 2007 and ratified by the end of 2009. The discussion on the precise definition of the term and its implications continued alongside this process of legislative enshrinement of the TC objective with the publication of the *Green Paper on Territorial Cohesion - Turning Diversity into Strength* and more recently a revised version of the Territorial Agenda – entitled *TA2020*.

The TC Green Paper placed a significant emphasis on the need for Europe's territories to make the most of their diverse 'territorial potentials' if the EU overall was to maximise opportunities for sustainable growth. It argued that 'Territorial cohesion is about ensuring the harmonious development of all places and about making sure that their citizens are able to make the most of inherent features of these territories'. TC was presented as 'a means of transforming diversity into an asset that contributes to sustainable development of the entire EU'. Public policy was seen as having a role in assisting territories in making the best use of their assets, helping them to respond to common problems, attain critical mass, exploit complementarities and synergies, and overcome divisions due to administrative borders. It was argued that examples of issues associated with the pursuit of TC cohesion might include – coordinating policy in large geographic spaces like the Baltic Sea region, promoting globally competitive and sustainable cities, addressing social exclusion in parts of cities and regions, improving access to health care and education in remote areas, and tackling the development difficulties faced by specific types of territories (islands, mountain areas etc.).

As noted by the ESPON ARTs project (2011), the focus in the TC Green Paper on 'local specificities, knowledge and identity' is 'particularly relevant for the impact assessment debate' as 'regional diversities imply in fact a different sensitivity to EU' legislation and programmes, 'justifying the increasing attention paid to this precise issue'. The need for public policies to be '*more responsive to the different needs and potentials of all kinds of territories across Europe*' also emerged as a theme from the responses to the TC Green Paper consultation and this was seen as implying '*that the territorial dimension needs to be reinforced at all levels and at all stages in policy design and implementation*'. The 'Coordination of policies to achieve greater policy coherence' was seen as being one of the 'most relevant' messages to emerge from the consultation 'for fostering territorial cohesion' (DG Regio, 2009).

In 2010, the EU governments adopted a new overarching 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 2010b) (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 MLG including the national and regional levels is thus encouraged. The Fifth Cohesion Report also made the case that 'the regional diversity in the EU, where regions have vastly different characteristics, opportunities and needs, requires going beyond 'one-size-fits-all' policies towards an approach that gives regions the ability to design and the means to deliver policies that meet their needs'.

The Fifth Cohesion Report's emphasis on the need for territorially sensitive policymaking leads naturally enough 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'. It is also argued that the 'Commission should improve the territorial dimension of its impact assessments' and that 'This would not require a new instrument'. It is argued that 'Simply ensuring that the territorial dimension in the Strategic Environmental Assessment (SEA) and the impact assessment (IA) is given appropriate attention could already have significant benefits'. Of particular relevant to the EATIA project the Fifth Report also emphasises the role of scales of MLG below the EU-level noting that:

'Member States can also develop their assessments of territorial impacts for two reasons. First, they have more detailed knowledge of their territory which allows them to undertake a more specific impact assessment. Second, the concrete impact of EU legislation depends on how Member States transpose EU directives into national law.

The Fifth Report also demonstrates a clear receptiveness to the development by other governance scales of impact assessment approaches in relation to EU legislation and policies, for example, it refers approvingly to the Dutch 'Quick Scan' approach as a 'good example of a national assessment of territorial impacts' which 'combines quantitative and qualitative methods'.

In May 2011, EU Ministers responsible for Spatial Planning and Territorial Development adopted the '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'.

In light of this, the *TA 2020* calls for 'improved monitoring and evaluation at EU level of territorial development and the performance of territorial cohesion efforts' while 'ensuring that the administrative burden on Member States should not increase'. The role of stakeholder inputs to the EU impact assessment process is stressed and the European Commission is called-upon to 'strengthen the territorial dimension of impact assessment' it carries out 'prior to any legislative initiative'. The Committee of the Regions is also called-upon to 'provide input from regional and local authorities'. The *TA2020* also argues that 'Consideration of territorial impacts and the territorial coordination of policies are particularly important at national and regional levels' and that 'This coordination should be supported by territorially sensitive evaluation and monitoring practices, further strengthening the contribution of territorial analysis to impact assessments'.

1.2 A Developing Methodological Field

Despite the in-principle support for TIA contained in various policy pronouncements, currently there is no common or prescribed approach to TIA. The territorial level, the method of evaluation and the understanding of correlations between policies and plans all vary. ESPON projects on TIA to date have also revolved around various themes. The results of these research projects confirm that most policies and their measures do not take territorial cohesion into consideration. In this context, TIA is seen as a potentially powerful tool to provide more awareness (*ex-ante* and *ex-post*) of the territorial implications, synergies or costs of non-co-ordination.

ESPON policy impact projects have concentrated mostly on ex-post policy analysis, assessing potential influences of European sector policies on EU member states' national territories. Policies with potentially strong relations to territorial cohesion are transport, energy and environment, education, research and innovation policies. Their territorial impacts have been evaluated by ESPON in several projects (e.g. ESPON 2.1.1., 2004; ESPON 2.1.4., 2005b). In this context, projects have included SASI (recursive simulation model of socio-economic regional development), CGEurope (a spatial computable general equilibrium model), and the STIMA model (Spatial Telecommunications Impact Assessment). Furthermore, in this context, the ESPON 2.1.1 project 'Territorial Impact of EU Transport and TEN Policies (ESPON, 2004) has been of importance. Statistical methods have also been tested, such as group analysis for agriculture (ESPON 2.1.3 CAP impact; ESPON, 2005a); regression analyses, econometric models - OECD interlink model, IMF multimod, and the GEM-E3 general equilibrium model (ESPON 2.1.4 Energy; ESPON, 2005b). Finally, the TEQUILA simulation package, developed in ESPON 3.2 (ESPON, 2006), and the TIA method developed for the Netherlands (NEAA, 2009) have explicitly built on the territorial cohesion concept.

The present project differs from previous ESPON projects in a sense that it primarily targets specific member states (UK, Portugal and Slovenia) and associated stakeholders (see section 1.4 below). Though previous projects dealt with the total ESPON 27 + 4 space in a generic way, the outcomes of various ESPON 2006 impact studies are relevant here - the TEQUILA model as developed in ESPON 3.2, the ESPON TIPTAP project that basically applied TEQUILA to the TENs and CAP policy fields, and the outcomes and methods of the ESPON 2013 ARTS project, which is currently being carried out and aims to develop a method to assess the territorial sensitivity to EU directives at a NUTS 2 level. However, not all elements of such previous projects can be fully-employed in developing, refining and testing the EATIA approach. The expectation of the project stakeholders (see section 1.4 below) is that the EATIA project should adopt a specific approach which places less emphasis on generic quantitative methods. A key objective of this ESPON 2013 Targeted Analysis project is therefore to develop an approach that national and regional/local policy/plan makers and officials can easily deploy. It is from this founding perspective that outcomes of previous projects have been assessed

In relation to the previous work on developing a TIA approach, the experiences of the TIPTAP project indicated that the TEQUILA model, whereas useable for researchers, does not qualify as an easy-to-use model

for policy makers. It suffers from some 'black box' characteristics and incorporates a certain amount of (expert) judgements which do not necessarily reflect local preferences or insights. Its applicability is highly dependent on the identification of unambiguous cause/effect relationships between indicators and quantitative data, which are not always available for each policy field nor can always be expected to be available in the case of entirely new directives. The TEQUILA approach employs three composite indicators employed to seek to capture; (1) 'territorial efficiency', (2) 'territorial quality' and (3) 'territorial identity'. Together, these should form an expression of territorial cohesion. Each indicator can be given a certain weight in order to relate to local interests, but even then labels such as identity, quality and efficiency are probably too abstract to mobilise policymakers and local stakeholders. In general, therefore, the TEQUILA/TIPTAP model as such, although in specific cases useful in the early stages of the TIA process to raise awareness is a less obvious starting point for the models or frameworks that will be developed in this project.

However, the conceptualisation within TEQUILA of the relationships between sustainable spatial development and TC has significantly moved forward the conceptual underpinnings of TIA, and drawing on this, it is worth briefly elaborating on some of the relationships between the concept of TC, sustainable development and TIA. In framing this reflection, Waterhout's (2007, 2008) identification of four defining 'storylines' that feed into the TC concept and debate is useful. In Figure 1, Waterhout's categorisation of the TC 'storylines' is presented in the left-hand column and their substantive or procedural orientation is presented in the middle column and the equivalent sustainability elements feature in the right-hand column.

In light of the relationships proposed in Figure 1, it is instructive to recall that Camagni (2005) noted 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'

(Camagni, 2005).

Table 1 – Territorial Cohesion and Sustainable Development

TC 'storyline' (Waterhout, 2007) / Dimension	Orientation	Sustainability & 'Europe 2020' Elements
<p><i>Europe in Balance</i> – addressing regional disparities, securing universal access to services of general interest, and, promoting a 'polycentric' pattern of development in Europe</p>	Substantive	Society / Inclusive Growth
<p><i>Coherent European Policy</i> – securing effective horizontal coordination of EU policies so that these do not generate contradictory territorial impacts 'on the ground'</p>	Procedural / TIA	Integration of SD Elements
<p><i>Competitive Europe</i> – 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</p>	Substantive	Economy / Smart Growth
<p><i>Clean and Green Europe</i> – relating to sustainable development and management of the natural environment including climate change, environmental protection and sustainable energy production</p>	Substantive	Environment / Sustainable Growth

The TC 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'.

In essence therefore, TIA is a mechanism that aims to assess the possible impacts of proposed EU actions on territorial aspects of sustainability at different scales. Underlining this point is important as this interpretation has informed approaches adopted to TIA by previous ESPON work such as TEQUILA and ARTS and the identification of assessment criteria ('elements') in the EATIA project (see section 3.1.2). This perspective also influenced the discussions within the EATIA TPG and the outcomes of the six policymaker workshops held so far in Portugal, Slovenia and the UK. In these it became clear early-on that the ARTS methodology, which is a refinement of the TEQUILA model, incorporates a number of useful methodological elements which would be relevant to EATIA. The ARTS methodology consists of a number of independent transparent steps: 1) 'logical chain' analysis, indicating the main cause/effect relationships postulated to result from a directive, 2) translation into an 'exposure matrix', using predefined territorial indicators, 3) confrontation with 'regional characteristics' matrix. Steps 1 and 2 can easily be carried out stakeholders, preferably with involving expert knowledge, and providing an overall picture of the fields that will potentially be affected by a Directive. It was felt that this exercise alone provides sufficient information for stakeholders to decide whether TIA would be of interest to them or not.

There has thus already been substantial work on the development of TIA methodologies which provides a valuable resource on which EATIA can draw. However, reflecting the focus of the project, it is also important here to consider issues of governance and how a TIA framework will be operationalised.

1.3 Operationalising TIA as a multi level governance instrument – the outstanding issues

Despite the support for TIA in official documents and the work undertaken on developing different methodologies (sections 1.1 and 1.3 above), a number of questions remain unanswered:

- What will a TIA instrument look like?
- What will be the TIA's main level of application?
- Is TIA a political priority?

With regard to the first two questions, the contours of an answer are gradually emerging. The last question, however, is arguably the most crucial and the hardest to answer, as will be made clear below.

What will be TIA's main level of application?

The consensus that has developed around the notion of territorial impact assessment at the EU level so far does not go much beyond the agreement that there should be some kind of TIA instrument. As has been noted elsewhere (Zonneveld & Waterhout 2009; Hague 2010) the consensus primarily focuses on the necessity and institutional position of TIA at the level of the EU. In so doing it is emphasized that TIA should become obligatory for the European Commission, but not for the member states. Also, more recently, it is noted that TIA should not lead to new or additional instruments and procedures, but rather become part of existing Commission assessment and coordination procedures, such as the Commission's general IA procedure. Following the conclusions of a workshop on TIA in 2009 (as part of the Action Programme), member states nevertheless are encouraged to carry out TIA at national and regional level, too, in order to gain insight in the probability of serious impacts. Quick scans are considered an appropriate method for this. Results and experiences should be mutually discussed between member states and the Commission, and between member states and regions sharing similar policy objectives or territorial characteristics, with the Commission facilitating.

What will a TIA instrument look like?

As regards the actual shape and characteristics of a TIA instrument, the official documents have little to say. Yet, among experts there is consensus, as reported at the 2009 workshop, that TIA at the EU level should

- make explicit the effects of EU policy, especially as regards timing (short-term versus long-term), geographical impact (effects on some territories versus others) and policy areas (effects on one policy area versus effects on another), so as to make a well-balanced judgment possible. In order to do this, assessments should be based on clear, comparable, transparent indicators, to provide evidence-based pros and cons;
- focus the assessment of EU policies on categories of territories, as it is obvious that the impact assessments at EU level cannot go into too much detail on the impact at regional and local level, and a one-size-fits-all approach usually is not an efficient solution;

Developing a TIA instrument is, however, not considered a task of politicians, but of, for example, programmes such as ESPON, or national funded projects.

Making TIA into an operational instrument eventually will be crucial if it is to survive politically and become mainstream policy.

TIA as a political priority?

What is the political status of TIA? Judging the official documents mentioned above, TIA is a core element of the territorial cohesion and spatial development discourse. Moreover, the political status of the territorial cohesion discourse has risen due to the Lisbon Treaty, which mentions it as one of the key objectives of European integration. These two observations combined may give the impression that TIA is on its way to become implemented soon. However, we should be careful to jump to the quick conclusion that TIA is indeed a political priority. For example, Hague (2010) noted that the term TIA is hardly recognized outside the realm of spatial development and territorial cohesion policy makers. So, apparently there are other factors, too, that influence the political climate around TIA.

Whereas it would go too far for this interim report to make a full assessment of the political status of TIA, as this would require extensive empirical research, there can at least be identified two approaches to establish a more complete picture. One way to assess the political status of TIA is to assess the impact of the territorial cohesion discourse on wider European politics. A second way is to look more closely at some of the key players, i.e. the European Commission and member states. Both are subsequently considered.

As has been noted and elaborated upon by Adams et al. (2010), the European territorial cohesion discourse can be viewed upon as a the combined result of interacting policy networks as transmitters and facilitators of joint learning and knowledge exchange. Whereas it goes too far in the context of this report to explain these mechanisms in detail, the picture that emerges is one of a reasonably tightly knitted policy network in which knowledge, about amongst others territorial impact, is being accumulated and produced. Pallagst (2010) speaks in this context of an 'epistemic community', referring to a concept used in international relation studies to characterise networks of professionals who share a set of beliefs that provide a value based foundation for their actions. Such epistemic communities are recognized as professionals for having expertise and knowledge on a particular issue-area, in this case territorial cohesion and spatial development. In order to gain authority over others, such communities do not necessarily have to be large, the only crucial condition is a shared consensus and a certain degree of persuasiveness. The question then becomes whether the consensus as described above is becoming recognised by a wider audience?

Obviously, with official documents from the European Commission, the European Parliament and the Committee of the Regions reiterating the observation that EU policies cause impact on regional and territorial development and that this should be made transparent by means of (ex ante) assessments, it can be concluded that the discourse is taking root. Over the past decade a wider range of policy documents has been referring to TIA. So, the authority of the epistemic community is recognised in a wider network of stakeholders and organisations, partly due also to its continuous efforts and the outcomes of the ESPON programme. Yet, whereas this is a proud achievement, it should also be noted that the influence of this community is still limited. When looking more closely, it turns out that most of the documents referring to TIA, except perhaps for the Fifth cohesion report, are of secondary importance in the wider political debate. These documents often have been drafted by insiders of the territorial cohesion policy network and could be expected to, sooner or later, refer to TIA. Viewed from this perspective, the ambitions of the ministers responsible for territorial cohesion and spatial development, as voiced in amongst others the Territorial Agendas, to influence the Council of ministers and key policy documents such as the Europe 2020 have hardly been met, let alone that they refer to TIA. In that sense the support for TIA should not be taken for granted and is still limited to a close, albeit gradually widening, circle of policy makers around the network of professionals gathering around the territorial cohesion concept.

In so doing, TIA still very much is a matter of low politics rather than of high politics. It is about transferring knowledge from the territorial cohesion network to other policy networks, currently still mostly regional and cohesion policy networks. It is about influencing the contents of policy reports and convincing the principal editors of the importance of territorial impact of EU policies and the need for prior assessments. It is about developing better policy making processes. It is about making sense of the issue at stake, by means of research, for example carried out in ESPON, in order to build a stronger and more convincing case. At the level of high politics, of decisions about continuing or not with EU regional or agricultural policy and in what form, the issue of TIA is neither known, nor recognised. But this may also count for issues as policy coherence in general. This leaves us with the question at what level TIA should be pitched, anyway, and at what level should be sought for political support?

TIA is probably a matter of low politics. This is not to say that it is not important, but that the decision of taking TIA on board or not is a matter of decision making mainly at the delegated level of high ranked officials rather than at the level of ministers and Commissioners.

TIA in Member states and the Commission?

When looking to individual stakeholders, a more heterogeneous picture emerges. Whereas, as we have seen, proponents of TIA can be found in each member state and European institution, the political climate within these institutions towards TIA may vary considerably. Again, it should be emphasised that the concept of TIA is barely recognised outside the territorial cohesion policy network and so it is impossible to identify domestic debates about TIA or distinguish between proponents or adversaries of TIA within member states or EU institutions. So the term political climate in this sense should be understood in a more implicit way, indicating whether or not the issue of TIA may be considered useful. This will be assessed first for the European Commission and secondly, at a more general level, for member states.

The European Commission, in particular the Secretariat General, is concerned with improving its own track record regarding delivering coherent policies. Since the White Paper on Governance (CEC 2001), this has been a key focus. Also, with the Impact Assessment procedure, introduced in 2002 and further developed by means of a gradual process that allowed Commission officials and organization to grow with it, a dedicated instrument and organisational infrastructure has been established to address the issue of coherence. New guidelines have been issued in 2005³ and in 2009⁴, based on several evaluations and commentaries (e.g. Renda 2006, EEAC 2006, Lee & Kirkpatrick 2006). The IA procedure is applied to all policy proposals of the Commission, which means that each year some 100+ Impact Assessments are completed. Organizationally, an Impact Assessment Board has been set-up in 2006, which evaluates all impact assessment processes and provides recommendations to improve their quality. Also, each Directorate-General has an Impact Assessment unit which assists its policy makers in carrying out IA's related to the proposals they are working on. On the work floor level, the level of low politics, probably the closest ally for introducing TIA elements in the Impact Assessment procedure is the Impact Assessment Board, which tends to issue critical evaluations on impact assessment reports and regularly asks for more information on territorial impact. Yet a crucial pre-condition for TIA elements to enter the Commission's IA procedure, something that in fact is possible now (Zonneveld & Waterhout 2009), is to deliver easy and ready to use evidence and techniques.

³ 'Impact Assessment Guidelines', SEC(2005)791, 15 June 2005.

⁴ 'Impact Assessment Guidelines', SEC(2009)92, 15 January 2009.

In terms of work floor politics, an additional element concerns the avoidance of introducing new instruments (in order to avoid red tape). In both, the Commission services as well as in member states departments overburdened officials are in danger to get buried under an seemingly ever increasing work load. Over the past years several assessment procedures have been introduced from various sectoral perspectives, both, domestically and at Commission level. In cases, such as has been reported from the UK (Hague 2010), such proofings all require assessment of new policies from specific sectoral angles without actually contributing to each other and making policies more integrative. Adding new instruments would most likely further harm the case of policy integration. This is also where high politics becomes relevant, as most governments have issued significant budget cuts affecting, amongst others, domestic administration and services that are required to do more against lower costs. In this sense, at the level of both, high and low politics, there is no support for introducing new instruments, legislation or procedures which require additional tasks and effort.

When looking more specifically to political support for TIA within the member states, it is important to note that the practice of what could be called territorial impact assessment varies considerably from member state to member state. Only a few countries have a tradition of some form of territorial impact assessment standard practice, i.e. Germany, Switzerland and Austria. What is important is that among the Member States there is no common understanding of TIA. Now, under influence of the territorial cohesion discourse, a number of countries has started experimenting with forms of TIA in order to assess impact of EU policies. In the ESPON ARTS project a number of such practices have been briefly reviewed for France, the UK, Germany, Austria, Sweden, Slovenia and the Netherlands. The situation in Portugal, where environmental assessments prevail over territorial, has been briefly described by Hague (2010). Of the countries mentioned, only in a few member states, i.e. Slovenia and Netherlands, the impact of EU policies is experienced to such an extent that this has led to new initiatives in the field of TIA (for example see: Evers et al. 2009; Golobic & Marot 2011). For the remaining 19 member states, there is as of yet little known in terms of TIA practice and political support for TIA.

In general, and although this has not been empirically investigated, it could be argued that the level of political support within a member state for TIA instruments correlates with the extent to which EU policies generate (unwanted) impact on territorial development and governance. Where no problems are observed it may be expected that there is no interest for TIA. Such countries may even be hesitant towards lending their support to TIA at Commission level as this may eventually have consequences for domestic

policy making due to the multi-level governance context of most policies. Political support for TIA therefore may be expected mostly from member states that do experience impact of EU policies. Who are those countries?

Apart from the member states mentioned, territorial impacts of EU policies tend to occur mostly in member states with specific characteristics relating to both, territory and policy and governance systems. As regards territorial characteristics, member states with high densities of population and high pressure on land seem more prone to impact of policies, in particular environmental policies, than others. Likewise, member states with specific landscapes, such as mountains, large share of coastal areas, areas suffering from drought, or large nature reserves may be more prone to specific kind of policy fields or policies. The same counts for countries that heavily rely on certain economic sectors, such as agriculture, which are highly influenced by EU policy making. Yet, territorial characteristics alone do not fully explain territorial impact of EU policies. Regions and countries sharing similar territorial profiles respond differently on EU policies. This is because of governance factors. It is found that in particular in the case of directives the governance characteristics of a country are often crucial in explaining territorial impact.

As was outlined too in the ESPON ARTS project, the basic hypothesis underlying is that domestic governance structures can have either an amplifying or a mitigating effect on the potential territorial impact of EU directives. The key issue is that directives (in contrast to, for example, regulations and decisions) need to be transposed in domestic policies and need to be up-held by domestic institutions in domestic administrative, cultural and territorial contexts. This means that several follow-up decisions have to be taken during the transposition process, decisions that each member state takes in its own right. This is called discretionary freedom or space. This discretionary freedom is used differently by different member states, depending to a large extent on the institutions already in place. Member states with mature institutions in the field of territorial development may be in a disadvantageous position, in particular when EU legislation and policies do not comply with them, but nevertheless need to be implemented in the domestic system.

Based on a literature survey, a number of governance aspects have been identified that can explain territorial impact of EU policies, in particular directives, in member states (see: ESPON ARTS final report):

- Coordination mechanisms, horizontal and vertical, during development, transposing and implementation stages can be instrumental in avoiding negative impact of directives. In member states where mechanisms are

in place to pro-actively organize inter-sectoral, multi-level and stakeholder consultation, directives generally cause less unwanted and unexpected territorial impact.

- Roughly two models are applied when transposing directives into national legislation: 1) issuing new legislation in an isolated way or 2) integrating it into existing legislation. In particular the latter model contains risks in a sense that directive obligations and logic do not always match those of the domestic legislation. In case of the first approach the problem may be that the implementation and application (actual use) stages require additional effort.
- In decentralised member states, i.e. federalised or regionalised, such as Belgium, Germany, Austria, Spain and Italy, the involvement of sub-national authorities in the transposition of directive is significantly larger than in more centralised member states. This adds a further layer of complexity to the governance factor of directives and the outcomes of transposition processes may be even more diverse, both in terms of time keeping, quality and contents.
- A crucial decision in the context of explaining territorial impact is being taken during the implementation phase where it is decided which measures and instruments will be used in order to reach the directive's objectives. It is often at this stage that vast differences can be observed across member states, due to differences in interpretation and subsequently application in the domestic context.
- Some member states apply EU directive thresholds in a more strict way, whereas others provide for more flexibility and balance thresholds with various interests and compensation measures. In the case of the first the impact is more directly felt and leads to risk avoiding behaviour by public stakeholders when developing new plans, projects and programmes. In case of the second model the planning and decision making processes are less influenced, but new plans and projects can be questioned during later stages.
- Legal systems do have strong influence on the use of a directive and its impact. Countries with an accessible system tend to experience higher territorial impact of EU directives than others.

How these factors work out in member states is difficult to predict. What is clear though is that in some member states the combination of these factors plays out in such a way that EU policies cause more impact than foreseen or intended. Sometimes it is due to mistakes or misinterpretations by member states themselves that EU legislation causes more impact, or it is the intention of a member state, i.e. in the case of gold plating (adding domestic objectives to EU objectives), but often the impact is simply hardly to be avoided. Also in terms of resources and capacity, a wide variety can be observed between

member states in terms of investing in the implementation and enforcement of transposed directives.

No specific conclusions can be drawn as regards the political climate and support for TIA in individual member states. Yet, member states with specific territorial characteristics or with mature institutions and governance systems, which tend to have more difficulties with accommodating new EU legislation and institutional conditions, will in general experience more territorial impact of EU policies and hence will be more supportive of TIA.

TIA – the story so far...

The discourse on TIA has gradually evolved since the ESDP process. Yet, this does not automatically translate into wide political support for such an instrument. The discourse nevertheless has been picked up in several policy documents and networks closely related to that of the territorial cohesion policy network. However, TIA in general is not familiar to policy makers outside the epistemic community around territorial cohesion. It has not attracted the attention of high politics, of ministers and Commissioners, who currently are more concerned with cutting budgets and streamlining administrations rather than with introducing new instruments and procedures. TIA so far probably has been more an issue of low politics, of officials within administrations dealing with day to day policy making. At this level, there may be some interest for TIA within the Commission services, in particular the Impact Assessment Board. At the level of member states the situation is heterogeneous. Member states that experience territorial impact of EU policies, such as the Netherlands and Slovenia, would welcome a TIA instrument at EU level and also explore ways at domestic level to assess policies on their possible territorial impact. Other member states may take a more neutral to hesitant position, depending on their territorial and governance characteristics and negative experiences with EU policies so far. Due to the multi-level governance context member states may fear that the introduction of TIA at the level of the European Commission may eventually lead to new obligations at domestic level.

1.4 Introduction to the EATIA Project

It can be seen therefore that there has been a longstanding and sustained emphasis on the importance of developing mechanisms to assess the territorial impacts of EU policies, legislation and programmes. Work has been conducted on developing an approach to TIA under the auspices of the ESPON programme and the Commission has also sought to integrate consideration of territorial aspects into its IA procedures. Another theme which emerges from the review in 1.1 and 1.2 above is the desire to incorporate

stakeholder input into the assessment process. Policy pronouncements from the time of the *European Governance White Paper* until the recently agreed *TA2020* have thus sought to emphasise the importance of territorially sensitive evaluation of the impacts of proposed directives at the national, regional and local scales of governance. A role has been identified for the Committee of the Regions and member state governments in providing a picture of the potential impacts of proposed directives at the national, regional and local scales. In essence, what has been sought is a flexible mechanism for soliciting 'bottom-up' views on the possible impacts of proposed policies and directives to complement the perspectives provided by the EC's IA procedure and other existing TIA technologies developed under the ESPON programme. Building on this previous work, the EATIA project has essentially been tasked with making progress in this area.

EATIA is classified as a 'targeted analysis' project and thus by definition is being driven by a specific stakeholder need. In this case that expressed by the ministries responsible for planning in the UK, Slovenia and Portugal, suggesting that the appetite for TIA is now expanding beyond the member states that the term has been traditionally associated with. Reflecting some of the points made earlier in this section, the project has been tasked with developing a bottom-up ex-ante approach to TIA that is:

- Simple, pragmatic and 'policy-maker friendly' and which compliments existing member state 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.

This interim report serves to detail progress at the mid-point of this project. Whilst the inception report served to specify the findings of the early stages of the project, elaborating on the proposed research approach and initial findings of an evaluation of impact assessment tools and existing approaches to TIA, this report largely details progress since then, including in developing a preliminary TIA framework.

2. The analytical approach

The objectives together with the methodology explain the project's analytical approach. This section firstly details the project's objectives, including proposed refinements to the testing phase (objective 3); it then details the methodology. In order to avoid duplication, this section should be considered alongside the inception report which elaborates on the approach in further detail.

2.1. Objectives:

1. *Establishing differences and similarities of assessment tools:*

To establish differences and similarities between underlying rationales, aims, objectives and methods applied in territorial impact assessment (TIA), European Commission Impact Assessment (EC IA), strategic environmental assessment/ sustainability appraisal (SEA/SA), regulatory impact assessment (RIA), rural proofing, as well as other types of assessment of territorial impacts; this will be based on the evidence provided in legislation, guidelines and the professional literature, as well as ESPON documents; the main focus will be on practice at EC level, in the UK, Portugal and Slovenia; in this context, review results of assessments known to the TPG and other expert opinions will also be considered;

2. *Designing a TIA framework:*

To design a TIA framework for establishing impacts of European policy (directives) in spatial policy and planning at European, national and regional/local levels, particularly in the UK, Portugal and Slovenia and, in this context, to determine the extent to which TIA appears to be 'integratable' with other assessment tools currently applied; this will be based mostly on the evidence provided through objective (1); on the expertise of project team members, as well as Steering Committee and other expert consultations and ESPON documents.

3. *Testing the applicability of the TIA framework:*

To test the applicability of the TIA framework at European, national and regional/local spatial policy and plan making levels in the three countries mentioned above. Considering the resources available, it is suggested that testing should be done by each, the UK, Portuguese and Slovenian partners for four EC policies/ Directives in four regional/local spatial plans (i.e. 12 in total) in each of the UK, Portugal

and Slovenia; in this context, to identify any problems, e.g. in connection with vertical and horizontal integration; to refine the TIA framework, based on the outcomes of testing.

In the original proposal it was suggested that testing would be conducted by applying the TIA framework to a mix of completed directives and those under preparation. It is now suggested that testing be conducted solely on completed directives in a 'mock' ex ante fashion. This is considered to have a number of advantages:

- Testing will not be delayed by the 'real time' policy development process;
- A wider range of EU Directives can be utilised in the process;
- It will allow the evaluation of TIA outputs given that actual territorial impacts have often already been reported or can be observed.

It was also originally envisaged that testing would be conducted by the project team itself supplemented by a number of practitioner interviews to evaluate the desirability of the TIA framework. Since the project's inception, opportunities in some stakeholder countries have arisen that would allow practitioners to participate directly in the testing process. This is considered a particularly effective way of testing the framework and so where possible opportunities will be utilised. It should be noted, however, that opportunities to involve practitioners directly in the process vary between the stakeholder countries.

4. *Assessing the usefulness/ benefits and associated costs of TIA:*

To identify those situations in which TIA might be usefully/ beneficially applied, particularly from a multi-level governance perspective and to establish what its added value may be to e.g. EC directives and policies, national and regional/ local policies/plans in the UK, Portugal and Slovenia and other EU member states; this will be based on the results of objectives (1) to (3), as well as on expert opinions of possibly all EU member states (web-based survey); in this context, to establish usability of existing data sources; to make an estimation of the effort (time; possibly money) required to conduct TIA in different situations, based on the framework developed;

5. ***Drawing conclusions and recommendations:***

To draw overall conclusions and to provide for recommendations for TIA applied at various scales in the UK, Portugal and Slovenia, and possibly elsewhere in the EU and within the European Commission.

2.2. Methodology

In order to meet the aforementioned objectives the methodology has been comprised of two elements, an *analytical* part and an *interactive learning* part. Whilst the former component consists of the work conducted exclusively by the project team, the latter component is designed to enable the views of the practitioner community to input into the project and shape outputs. This component is considered critical in ensuring that the TIA approach developed meets the needs of end users.

The interactive learning track has been facilitated by the establishment of 'national feedback networks' in the UK, Portugal and Slovenia. Each of these groups is comprised of around 15 non-project team related participants drawn from the planning and policy making fields at the national, regional and local levels and is engaged formally at key stages in the project through national workshop sessions held in parallel in each of the stakeholder countries. In total over the length of the project three sets of workshops (nine in total) are to be held. Two of these have been held to date, the first in January 2011 and the second in May 2011, with the final workshop planned for January 2012. Outputs of the completed workshop sessions are detailed in Annexes 1 and 2 and have proved invaluable to the project so far.

Given the distance between the second and third workshops, in some stakeholder countries it has been considered necessary to engage these groups in the meantime through other means. In the UK, for instance, an online forum has been established to elicit input from this group on a more regular basis.

3. Progress in the reporting period

This section outlines project progress. To date, efforts have been primarily concentrated on the evaluation of different assessment approaches/ tools and from this the development of a preliminary TIA framework which is due to be tested in the coming months. Much of the early work in evaluating assessment tools was reported in the inception report and the aim is not to repeat this here. The following, however, provides a summary of the main findings:

1. Impact assessment regimes differ between the stakeholder countries in terms of the number of instruments utilised and the way in which they are applied. Evidently fewer instruments are applied in Portugal and Slovenia than are applied in the UK;
2. The potential for uploading TIA considerations into existing practices accordingly differs between countries, highlighting the need for a flexible TIA framework;
3. The bottom-up, practical approach to TIA sought in the project differs from much of the top-down orientated work on TIA that characterises this work to date, giving rise to new challenges and making some of the outcomes of previous work less applicable;
4. Some of the previous TIA work still has value. For instance, the approach developed under the ESPON ARTS project utilises methods that may prove useful in the TIA framework, e.g. logical chains and area typologies;
5. From an operational perspective there could be a close relationship between the TIA framework devised under this project, applied at the member state level, and the ESPON ARTS approach if applied at the level of the EC (e.g. within the Commission's existing impact assessment procedure).

The remainder of this section is dedicated to detailing progress in the development of a preliminary TIA framework. It begins firstly by defining the terms 'territorial impact' and 'territorial impact assessment' in the context of the project, it then details the elements that constitute the TIA framework and finally outlines the framework itself.

3.1. Defining territorial impact

In order to begin to formulate a framework for TIA, it is 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 (2011; see also chapter 1). It has also been analysed previously under the ESPON programme.

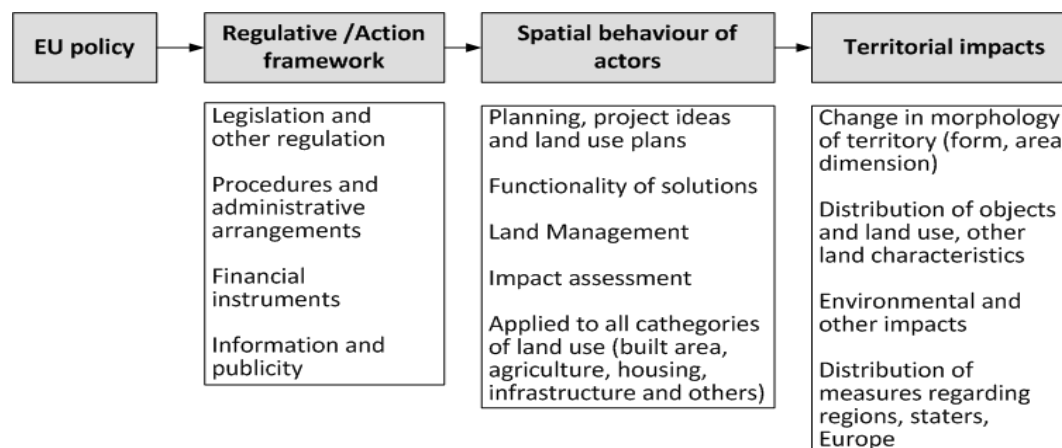
Assessment approaches refer to different definitions of territorial impact. A review of the existing literature has shown that most definitions have in common a reference to a certain policy concept, in most cases this is territorial cohesion. Territorial cohesion aims at lessening differences among the regions by applying measures which pay attention to the difference in potentials present in the regions. As Hübner stated (2011) '*each territory is endowed with a different growth potential and each territory needs tailor made policies to make the most of this potential*'. 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.

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 can 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), governance can also explain to some extent what happens between the EU policy – the actual document – and the final territorial impact.

Figure 1: Administrative aspects of territorial impact



Source: Tennekes, Hornis, 2008, p. 18

For the purpose of this project a comprehensive definition of territorial impact has been adopted which in keeping with the conceptual issues discussed in section 1.2 above and previous ESPON work on TIA (TEQUILA and ARTS), considers wider economic, social and environmental aspects. The definition was discussed during the second round of interactive learning network workshops held in Spring 2011 (see summary of discussions at these in Annex 2). The definition adopted is as follows:

'In the context of the EATIA project a 'territorial impact'⁵ 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 consequently 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

⁵ These impacts may be of a direct, indirect, intended, unintended, positive, negative or cumulative in nature.

between different places and in this sense it can provide a means of considering the spatial dimension of EU policy impacts’.

3.2. Elements of the TIA framework

In light of the understanding above, a preliminary TIA framework has been devised. In developing this framework, the aspirations of the project stakeholders have been central considerations. Accordingly, the framework aims to be methodologically simple so that it is ‘policy-maker friendly’ in its application; it also aims to be flexible enough to be applicable in the various governance contexts that exist in each of the three stakeholder countries and indeed potentially beyond this group. It furthermore takes into consideration the outcomes of previous ESPON work, particularly work completed under the ARTS project from both a methodological and operational standpoint. The TIA framework is structured around three main components, as follows:

a. Process

The term process is used here to refer to the series of actions undertaken from the decision to conduct a TIA, to its subsequent completion. In line with other well established impact assessment procedures such as environmental impact assessment and strategic environmental assessment, the TIA process has been structured around screening, scoping and assessment stages, with an additional monitoring stage in the case of transposition. Dividing the process into stages in this manner facilitates the division of tasks and responsibilities, which in turn promotes flexibility. This is essential in ensuring that the framework can be applied effectively in each of the stakeholder countries.

b. Governance

The governance dimension operationalises the methodological aspects of the framework in each of the stakeholder countries. This part of the framework is by nature specific to the country concerned. One of the key challenges for the project is to develop an approach to TIA that does not require the introduction, as far as is feasible, of entirely new arrangements, i.e. it is relatively ‘pain free’ to implement. Looking for ways in which to embed the methodology within pre-existing procedures and arrangements at the local, regional and national levels in each of the stakeholder countries has therefore been a priority.

c. Methods

The framework makes use of a number of techniques to facilitate activities in each stage of the TIA process. The techniques employed reflect closely the aspirations of project stakeholders being relatively straight forward to

comprehend and not reliant on heavy data requirements. Three main techniques are employed: assessment criteria, logical chains and area typologies. The next few paragraphs elaborate on each of these in turn:

(i) Assessment criteria

Criteria are introduced into TIA with different aims and in different forms. Firstly, they help us to identify territorial impacts, in other words, they 'materialise' the assessment procedure. Secondly, they provide a framework in which the policy and its options are considered. Thirdly, when upgraded with indicators, they help to describe observable characteristics in territories.

Criteria are not uniformly defined. The simplest way to define them is to 'cut' the territory and society into its basic components, such as soil, water, air, climate, fauna/flora, habitat, etc. A more advanced list would also include some quality or an objective in the description of each criterion, such as air *quality* or water *quality*. Framing a criterion in this way implies that we are aiming at a 'good quality' of air or water. The same can be done with other categories, such as agriculture and employment in primary sector or industry and employment in secondary sectors.

Criteria can also be divided into groups, depending on the topic or themes that they commonly cover. In the ESPON ARTS project 'exposure fields' were divided into three groups:

- Natural environment;
- Regional economy;
- Society and people.

Similarly, in the TEQUILA project, criteria were divided into three groups corresponding with the concept of territorial cohesion - 'territorial efficiency', 'territorial quality' and 'territorial identity'. These in turn included the following criteria:

- Territorial efficiency:
 - resource-efficiency (energy, land, natural resources)
 - competitiveness and attractiveness
 - internal and external accessibility of each territory
- Territorial quality:
 - living and working environment
 - comparable living standards across territories
 - similar access to services of general interest and to knowledge
- Territorial identity:
 - Enhancing "social capital"

- Developing a shared vision of the future
- Safeguarding specificities, strengthening productive “vocations
- Competitive advantage of each territory.

Defining criteria

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. Accordingly they must be in line with the project definition detailed earlier.

To define assessment criteria for use in the TIA framework, the ‘exposure fields’, developed in the ARTS project were utilised as a starting point. This was considered a logical approach given that these ‘exposure fields’ correspond closely with the adopted understanding of territorial impact covering spatial, governance, and wider social, economic and environmental dimensions, and have been designed to be used in a similar manner. This list was subsequently amended in light of discussions at national workshop sessions in each of the stakeholder countries. Table 2 presents the collective outputs of these sessions. In this table, criteria are classified into fields and subfields and are also accompanied by example indicators that can be used to aid the assessment process.

For reasons of practicality the number of criteria actually utilised should not normally exceed 10-20. In light of this, this list will be reduced and refined by the project team prior to testing the TIA framework. In this context, it should be noted that national learning network groups have reflected different preferences in terms of the criteria that should be used in each country. This is not unexpected given the different national contexts and from a methodological standpoint is not considered to be problematic, however, if considered to be of concern, it is a matter that can be taken up with the Steering Committee.

Table 2: TIA Subfields, Criteria and Indicators

Subfield	Criterion	Indicators if existing as point of reference for criterion
ENVIRONMENT AND TERRITORY		
Land resources	Exposure to erosion	Share of area with exposure to erosion
	Soil quality	Volume of heavy metal in the soil
	Soil consumption - area with sealing problem	Share of such area Rate of loss of arable land
	Forest	Change in share of forest land
	Landscape quality	Degradation of cultural landscape due to land use changes

Water resources	Water consumption	Water supplied from public water to household (in 1000m ³) Daily water consumption per capita
	Quality and quantity of ground water	Water resources in 1000m ³ Quality measured through the temperature of water, water level [cm], flow [m ³ /s], pH, electricity conductivity [μ S/cm] and dissolved oxygen [mg/l]
	Quality and quantity of surface water	Spring of running water in 1000m ³ Quality measured through the temperature of water, water level [cm], flow [m ³ /s], pH electricity conductivity [μ S/cm] and dissolved oxygen [mg/l]
	Sea water quality	Measured through dissolved oxygen, nitrates, pH etc.
	Water supply	Total length of water supply networks
Air and climate	Air pollution (particles)	Amount of suspended particulate matter in the air
	Emissions (CO ₂)	Net CO ₂ emissions/removals from LULUCF from Land Use, Land Use Change and Forestry
	Air pollution (NO _x)	Net emissions of N ₂ O
	Noise pollution	Number of people exposed to the noise
	Emissions of green house gasses	Net CO ₂ , SF ₆ , CH ₄ , HFC, PFC
Biodiversity	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 km ²
Habitat loss	Area of habitats lost because of development (ha)	
Built environment	Urban population – urbanization	Urban population density Urbanization rate
	Degraded area	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 damage caused by avalanches Change in share of flood area; Financial damage caused by floods Frequency of torrential rain and storms
Energy resources	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	Economic growth	GDP per capita; gross added value per employee
	Innovation	Number of innovation per 1000 inh. R&D investment
	Market burdens	Extent of market barriers Influence on price setting
Agriculture	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	Employment in secondary sector	Share of employment in secondary sector
	Export rate	Percentage of production for export
Service	Employment in tertiary sector	Share of employment in tertiary sector
Tourism	Employment in tourism	Number/share of people employed in tourism
	Visitors	Number of overnight stays
	Accommodation availability	Number of beds

Small business	Companies	Number of new small businesses
	Subsidies	Amount of subsidies for small business
	Permits	Number of permits needed to establish small business
		Time needed to get these permits
Administrative costs	Additional costs for establishing/running the business	
Infrastructure	Collected waste	Amount of waste (tonnes) collected per capita Share of waste, landfilled on different landfill 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	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	Migrations	Net migration flow
		Number of people immigrating as a "Brain drain"
	Natural increase	Number of births/deaths per 1000 inh.
	Population age	Age dependency index
Households	Household size	
Health	Mortality in traffic accidents	Persons killed in traffic accidents
	Accidents hazard in industry	Number of accidents in industry
	Life expectancy	Average life expectancy
Social inequalities and protection	Distribution of income	Disposable income per capita
	Unemployment	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	Education level	Average time of education
		Number of students, enrolled in different levels of education
		Share of university education among active population
	Child care	Share of children age 1-5 includes in the kindergarten
Cultural heritage	Cultural heritage protection	Number and area of protected cultural sites
TERRITORIAL GOVERNANCE		
Efficiency	Planning process	Duration of planning process
		Human resources capacity
	Administrative costs	Fees
Transparency	Public participation	Level of public participation
Subsidiary	Obligations on different territorial/administrative levels	Change in obligations on different territorial/administrative units
Territorial organization	Centralization	Change in function and role of (urban) centres
		Change in connection and dependency of settlements, urban/rural
		Change in service dispersion

(ii) Logical chains/conceptual models

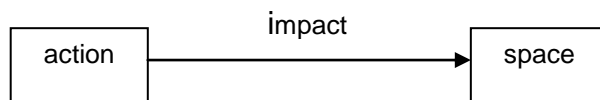
Constructing 'logical chains' can help assessors identify potential impacts, which can help assessors complete the various checklists and matrices that form the TIA methodology. In this section, we firstly outline the concept of logical chains before discussing how such an approach can facilitate impact

identification and why this is an appropriate method to use within the context of TIA. An example of what a logical chain analysis of a directive may look like is provided.

Logical chain analysis – the basic concepts

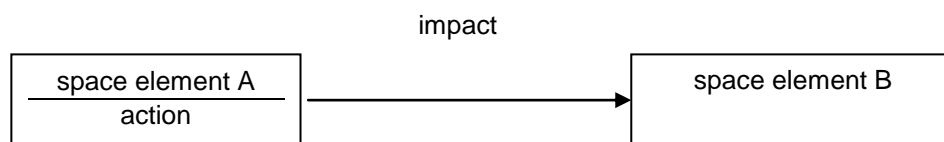
Besides identifying and assessing impacts, it is important to consider what causes them, for instance, directives or policies as general sources of change. We can capture these considerations in a simple, general syntactic construction such as in Figure 2, which is expressed as a simplified 'descriptive causal diagram', or DCD (Perdicoulis, 2010).

Figure 2: Action causes an impact to space



This can be made a little more specific by considering where the action could apply - for instance, to a piece of land, safeguarding or changing its use, or to a group of people, granting or limiting their rights to use the land for particular purposes. If we expect the action to apply to anything that belongs to, or is in any way related to space, then we can be a little more analytic and identify and attribute 'elements' to both action and space, as in Figure 3.

Figure 3: Action on space element A causes an impact to space element B



An alternative way to read the information of Figure 2 would be, for instance, that 'action on space element A changes space element B in a particular way'. Some of these changes are intentional, while others are unintentional, or 'side effects'. Intentional changes are related to the 'objectives' of the action: they represent the change that will bring about an intended state, or 'objective', but these changes themselves are not the objectives (Perdicoulis, 2011). We can represent the objectives and changes in the form of an equation for instance, regarding 'space element B', as in Figure 3.

Figure 4: Space element B is advanced by change Δ B from state B0 to state B1"

$$\begin{array}{ccccccc}
 B0 & + & \Delta B & = & B1 & & \\
 \text{Current state} & & \text{change} & & \text{new state} & &
 \end{array}$$

The 'new state' B1 in Figure 4 could be an 'objective' of the action - that is, the action is conceived to achieve this state in which case the impact or change on B is intentional. Alternatively, the 'new state' B1 could be an 'accident', that is, nobody ever intended it, and thus no specific action has been conceived for this purpose. In the latter case, the change to B is a 'side effect'.

Depending on what we want to know, for instance, a spatial distribution or a process, we may need appropriate maps to represent and visualise information. For instance, causal maps are more appropriate than geographic maps for representing and understanding cause-and-effect relationships. As an example, the ARTS project uses causal loop diagrams (CLD) for similar purposes (ARTS, 2010, p.59).

The special type of 'causal chains' produced in the ESPON project 2.4.1 (environmental policy impact) introduces a high degree of uncertainty for instance, regarding the categories of the system elements (box contents), the meaning of links, etc. In contrast, for instance, descriptive causal diagrams (DCD) developed specially for the dynamics of spatial planning (Perdicoulis, 2010) are quite rigorous regarding semantic categories and syntax, and thus reduce uncertainty to a considerable extent.

As well as the causal chain technique, the TEQUILA model is another approach developed to TIA under the ESPON programme. The method is based on multi-criteria analysis (Camagni 2009, p.345, quoted in Evers, 2011, p.12), and is used to measure policy impacts in spatial terms in particular, considering territorial impacts as the product of potential impacts and sensitivity indicators (Evers, 2011, p.9). TEQUILA may be suitable for 'spatialisation' of information, but has its own model that is, a set of formulas for calculating impacts and does not [appear to] relate formally with the information from causal chains.

Nonetheless, it is possible to incorporate spatial information in causal diagrams, as illustrated in Figure 5 (Perdicoulis, 2010).

Figure 5: Action on space element A causes an impact to space element B in areas Q and W

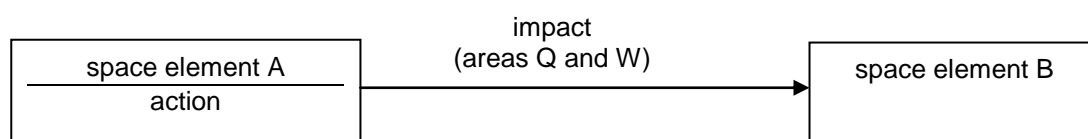
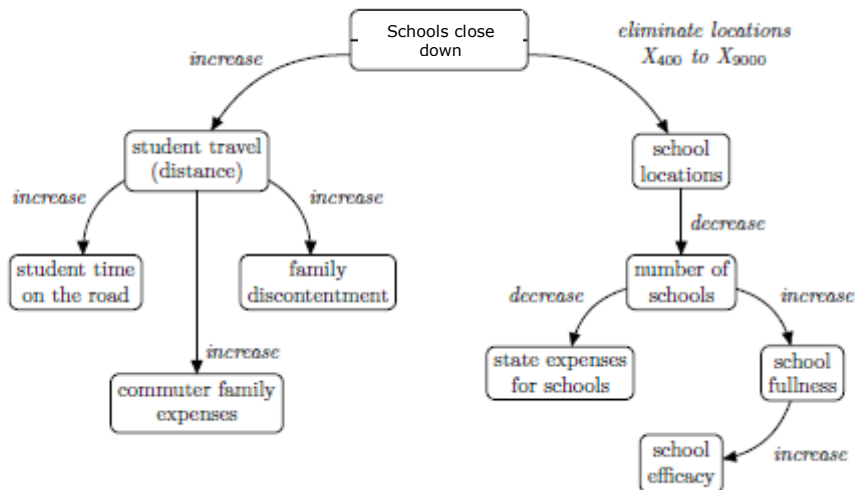


Figure 6 illustrates the impacts of a policy to 'close down under-capacity schools in the country'. The example is presented at a high aggregation, and changes are reported qualitatively. More detailed views can also quantify the impacts for instance, 'the number of schools to close down is estimated to be 8,600 units'.

Figure 6: Impacts of a policy to 'close down under capacity schools

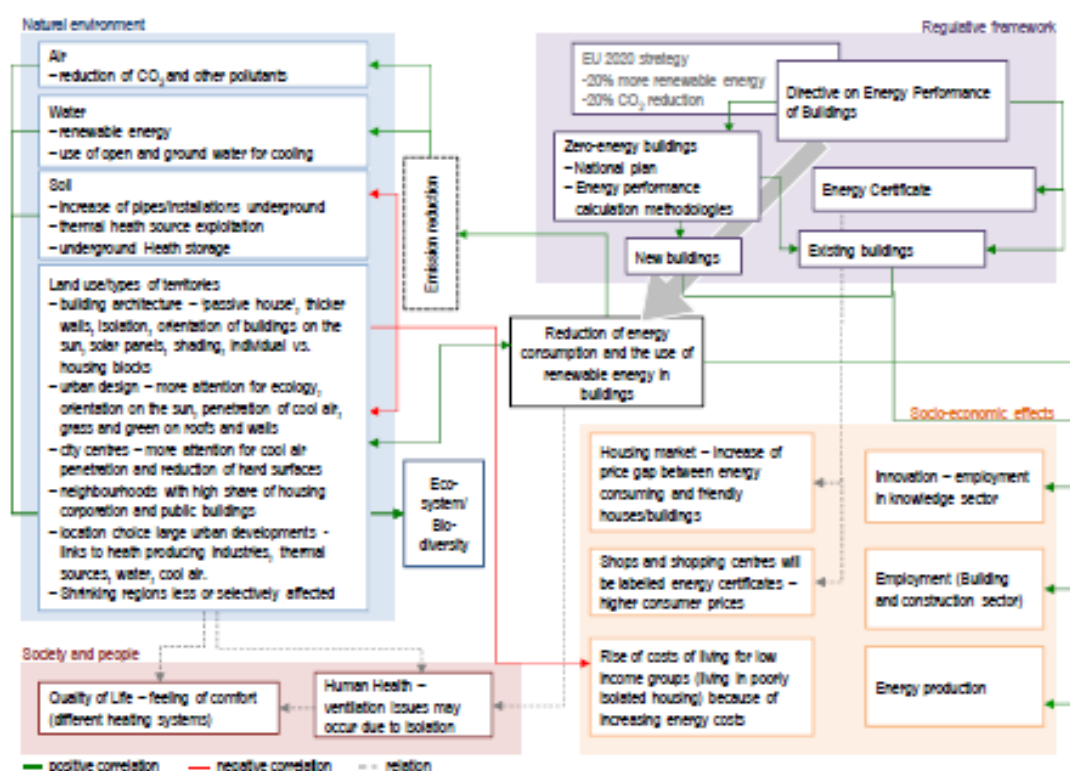


Applying logical chains to TIA

As noted above, the logical chain concept has been employed in previous ESPON projects that have considered TIA. The ESPON ARTS project in particular has used the approach to develop a 'Conceptual Model' of a directive as the first step in the TIA process. A given directive is analysed in terms of its purpose and the policy elements it includes and the possible cause-effect relations between the latter and territorial factors and conditions. In order to illustrate how this might work, in the example below, a logical chain/conceptual model for a directive has been constructed in the screening stage to facilitate the identification of impacts at this early stage (NB - It will not always be necessary to go into such detail at this early stage).

Directive 2010/31/EU is a recast of an older Directive (2002/91/EC) therefore many of these measures are already in place in Member States and therefore will not have any impact. The first step in a logical chain analysis is to breakdown the directive into its policy elements and consider what these will require for member state compliance. Figure 7 drawn from the ESPON ARTS project illustrates how the logical chain of directive impacts might be illustrated.

Figure 7: Example of a logical chain analysis of Directive (2010/31/EU) on the Energy Performance of Buildings



Source: ESPON ARTS (2011, p.147)

By outlining the cause and effect relationships through the use of logical chain analysis, impacts, including territorial impacts, can be identified. In the example presented above some of the impacts of the directive's implementation may have specific effects for certain territories, for example, an increase in renewable energy infrastructure or increased costs of refurbishment and construction. In identifying areas in which to conduct an assessment of the impacts of a directive, the next stage is to 'territorialise' the logical chain analysis and use typologies/indicators of territorial conditions to identify appropriate areas for assessment. For example, data on the number of new construction/planning permits, the age of the building stock and regional potential for renewable energy generation could be useful indicators of the likely exposure of a region or locality to the effects of the directive (see section 3.1 c below).

(iii) Area Typologies/Characteristics

In EATIA, 'typologies' of territorial characteristics can help identify areas suitable for assessment of the effects of directives. Once the possible territorial impacts of a directive have been identified, using logical chain reasoning, local and regional areas are selected for inclusion in the assessment based on their intrinsic territorial characteristics. Determining the

type of localities in which impacts could be most significantly felt, or where impacts are most uncertain, allows local/regional level assessments to be targeted in these areas. The findings of the assessments in the 'case' territories can illuminate the possible impacts of the Directive in territories having similar characteristics.

Given that the possible causal effects of a directive are the starting point in the reflection on which kinds of territories might be impacted by its adoption, it is logical to tailor the selection of territorial indicators/typologies to the case of each directive. The indicator or typology needs to describe a territorial attribute considered to be relevant, or perhaps likely to be affected, by the possible effects of the directive⁶. The ESPON ARTS project has developed similar ideas through its Regional Exposure and Sensitivity Matrices which consider the exposure and sensitivity of single regions to EU directives. These recognise that the 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'. Work commissioned by the Department for Communities and Local Government in the UK on the assessment of the impact of EU directives on sub-national planning has also adopted an approach which identifies the main geographical areas of impact based on given territorial characteristics (ARUP, 2010, p.10-19).

In practical terms, once the likely causal effects of a directive have been mapped out through the logical chain analysis, relevant territorial indicators which relate to such effects are selected. This allows the identification of the main types of regions likely to be affected and where appropriate more specific types of regions likely to be affected by elements of a directive (e.g. see ESPON ARTS, 2011). In the case of the Habitats Directive for example, data relating to the number of protected NATURA sites, and/or their physical extent as a share of the territory of a local authority, would be useful indicators of where any revisions to the Directive might be expected to have an effect. For the directive on the Energy Performance of Buildings considered above, for example, data on new construction permits, the age of the building stock and the percentage of old buildings as a share of the total stock (ESPON ARTS, 2011, 147), and regional potential for renewable energy generation could be useful proxies for the likely exposure of a region or locality to the directive. For the draft Framework Soil Directive, relevant indicators could relate to the cost of remediating the damage caused by natural hazards, for

⁶ 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.

example, data in relation to erosion and denudation. For the SEVESO II directive, regions and localities might be selected for assessment based on the density/number of buildings and facilities listed as SEVESO II sites and installations.

The ESPON ARTS project has previously developed a list of indicators of regional exposure based primarily on the ESPON database, which may prove useful. However, it was agreed amongst partners that the key issue in the EATIA was 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 to certain areas of a member state's territory, however, given that the complementarity of EATIA to existing methods of TIA is seen as being its capacity to inform understandings of potential territorial impacts based on 'bottom-up' input from local and regional stakeholders, there was consensus amongst the partners and at the stakeholder workshops that the option of using indicators available at national, regional and local scales should also be open. The coarseness of the NUTS2 and NUTS3 geography too did not always capture the diversity and nuance of territorial conditions and how territories may be affected by a directive's implementation.

There was agreement that given the differing sizes and administrative geographies of member states, the 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 EATIA, 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. The goal of the EATIA approach was to allow the fine-grain territorial understanding of local and regional stakeholders 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 in practice relied-upon by policymakers in shaping their understanding and perception of their territories.

Another issue was that in order to operationalise the EATIA approach of 'drilling down' to conduct assessments of certain 'case study' areas (i.e. identified as being likely to be susceptible to territorial impacts as the result of the adoption of a given directive), there was considerable advantage in incorporating national and regional datasets aligned with extant administrative areas. Based on relevant indicators, areas could then be selected as being 'extreme/deviant'; maximum variation; critical, or paradigmatic cases (Flyvbjerg, 2011) in terms of the possible impacts of a directive. For example, in relation the Directive on the Energy Performance of Buildings areas with either a very high or very low proportion of old buildings as a share of the total

building stock could be selected as 'extreme' or 'maximum variation' cases. The EATIA approach, which permits the complementing of existing means of establishing territorial exposure and sensitivity with additional typologies or indicators, would also allow the identification of critical or paradigmatic cases. For example, a nationally and/or internationally recognised urban or cultural landscape may be considered to be particularly sensitive to the impacts of a given directive and be selected for assessment as a 'critical' or 'paradigmatic' case.

The outcomes of the assessments conducted in selected areas would help to inform the negotiating position of the member state in the preparation of the directive. The goal is not comprehensive coverage, but to use the assessments to provide greater detail and nuanced appreciation of the possible impacts of a directive. Adopting scientific language, the case analyses of selected regions/localities could be considered to be experiments designed to 'test' the assumption that territories with certain characteristics were likely to be more or less affected by a directive. The cases would also 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.

A final issue to be considered in terms of the selection of areas where the impacts of a directive might be assessed is the interaction with the regional/local planning process. The EATIA stakeholders have expressed the wish that the EATIA approach should "tap into" (i.e. connect with) the planning processes operating at the sub-national level⁷. It was felt to be important too that the potential impacts of emerging directives and the assessment of these should appear as a "real" issue to planning authorities engaged in planning processes. Consequently, as well as the substantive issue of assessing the potential territorial impacts of a directive on an area, another issue that was felt should be emphasised in engaging with sub-national policymakers was the potential impact on any emerging plans for their areas. The local/regional 'case studies' (assessments) will enable consideration of different policy elements, and different criteria in different places and these could include impacts on procedural issues such as plan making. Therefore in selecting areas for assessment regard may be had not simply to indicators/typologies describing substantive territorial characteristics, but also to data on issues such as the advancement of the plan-making process in different areas.

⁷ It is worth recalling too that the definition of territorial impact adopted by the EATIA project following the interactive learning workshops incorporates impacts of directives on governance.

4. A preliminary TIA framework proposal

In this sub-section, an initial proposal on the design of a TIA framework for the ex-ante territorial impact assessment of EU policy proposals at the EU member state level is presented. It is structured around the three main stages of the process detailed previously (screening, scoping, assessment) and elaborates on governance arrangements and methods in each phase. Whilst the focus of work to date, reflected in this section, has been on developing a framework for application in the policy *negotiation* phase, i.e. to inform member states' *negotiating* positions on EU policy proposals, it should be noted that the framework can be equally applicable in the *transposition* stage when dealing with EU directives with only minor alterations, for instance an additional impact monitoring phase. It is anticipated that these additional elements will be further elaborated on in the final report. It should also be noted that the development of the framework is an evolving process and this *preliminary* framework is due to be refined and amended in light of testing in the UK, Portugal and Slovenia.

4.1. Screening

The core purpose of the screening phase is to determine whether a TIA is necessary for a given policy proposal. Given the volume of EU policy proposals, it aims to focus TIA only on those policies that could potentially have significant impacts, and in this sense has a particularly important role in ensuring the efficient allocation of time and resources. To operationalise this approach effectively, it requires that all EU policies are 'screened' by an appropriate member state body for significant territorial impacts.

Whilst more straight forward in the transposition stage, one important consideration in the negotiation phase is determining at what stage of development the screening process should be initiated for a given policy proposal. In the policy negotiation phase, the TIA process could in theory be initiated when policies are officially adopted by the EC (post-adoption TIA) or whilst they are in the pipeline (pre-adoption TIA). In general, best practice dictates that impact assessment should be conducted as early as possible in the policy development process, when policy design is most malleable. However, in the context of TIA as it is conceptualised in the EATIA project, as the assessment is to be conducted by a body largely independent of that developing the policy, the downside of pre-adoption TIA is the greater uncertainty regarding the subject of the assessment. Pre-adoption TIAs would likely have to be closely linked to, and informed by, the Commission's own impact assessment activities and in particular the alternative policy options under consideration here. With post-adoption TIAs, whilst the object of the assessment would be defined with greater certainty and clarity, there could

equally be reduced scope for influence, i.e. the opportunity to shape the final policy design could be more limited. Currently in the UK, for instance, the approach adopted with regard to the regulatory impact assessment (RIA) of EU measures is of the latter type with formal RIAs of EU measures generally only conducted for adopted proposals (BIS 2010). There are exceptions and guidance (BIS 2010) notes that government departments and agencies should monitor Commission proposals throughout the development process. In practice, however, it is likely that the stage at which policies are screened will vary depending on the proposal and will be an important decision that will ultimately need to be made, as transparently as possible, by a designated national screening body.

4.1.1. Methods and techniques

The purpose of the screening stage is to determine whether significant impacts are likely and therefore TIA is needed. The screening exercise only needs to be as intensive as is necessary to make this decision, and so whilst in some cases this is likely to be a relatively straightforward exercise, in other cases it may be more demanding requiring more detailed analysis. In the latter case, a checklist has been developed to facilitate the screening process (table3)⁸. Applied flexibly, in conjunction with the logical chain approach detailed earlier (3.2), this provides a structured framework in which the impacts of the policy, or emerging policy options, can be considered in relation to a number of key territorial characteristics represented by predefined 'assessment criteria' (3.2). In completing the checklist the assessor(s) is asked to consider whether a significant impact is likely (either 'yes', 'no' or 'uncertain'), what the nature of this impact may be (e.g. positive, negative, direct, indirect etc) and what the justification is for this conclusion. If significant impacts are considered likely, or if there are many uncertainties, it would suggest that a TIA is needed. Although simplistic, the checklist provides a practical, structured and relatively transparent approach to making screening determinations which would ultimately be based on the final judgement of the screening body.

In making screening determinations, it will be essential to engage agencies and/or individuals with expertise in the field of the policy proposal and who are knowledgeable about existing national arrangements - an EU policy will have little impact if national measures are already in place that meet or exceed the requirements. It will also be important to engage individuals representing a range of sectors so that proposals can be evaluated from a range of

⁸ The structure of the screening checklist will be finalised once a final decision has been made on the choice of assessment criteria to utilise in the TIA process (see section 3.2).

perspectives. Sources of information and evidence also need to be fully utilised. In the negotiation stage, one of the key sources will likely include the outputs of the Commissions own impact assessment process⁹. In the transposition stage, in addition these outputs, the negotiation stage TIA, if conducted, could also provide a valuable source of screening information.

Table 3: Example Screening Checklist

<i>Example screening checklist</i>		
<i>Assessment criteria</i>	<i>Potential significant policy impact?: Yes (✓) No (X) Uncertain (?)</i>	<i>Comments: nature of impact (e.g. positive, negative, direct, indirect, etc) and justification.</i>
Air quality		
Soil quality		
Economic growth		
Employment		
.....		

4.1.2. Governance

United Kingdom

There is general agreement that the screening process ideally needs to be conducted at the national level. In the UK, one existing procedure at this level that seemingly offers some potential for operationalising this process is the regulatory impact assessment (RIA) procedure. RIAs are already conducted by government departments for proposed EU measures. As part of the current procedure guidance (BIS 2010) encourages departments to anticipate EU measures by staying in regular contact with the UKRep, Commission officials and other member states, follow closely the development process, and conduct RIAs of proposals that the EC adopts to inform the Cabinet Committee and the UK Parliament. There could be some justification therefore, for embedding TIA screening tasks within the existing RIA framework, and so screening would be the responsibility of the relevant government department. One area that requires further investigation, however, is how the views of the various devolved governments are accounted for in this process, something that would be vital if the TIA process

⁹ The ESPON ARTS project has recently devised a methodology for TIA that could be applied at the EU level and potentially operationalised within the Commission's impact assessment procedure to enhance its territorial consciousness. If this were the case in practice, the outputs of the process could provide particularly useful insight to inform the screening process.

is to be effectively operationalised. It is also unclear whether embedding TIA screening activities within the existing RIA regime would effectively facilitate multi-sectoral input.

Portugal

Currently, in Portugal there is no legal or institutional framework to make a systematic assessment of territorial impact of directives, laws or policies. As a consequence it can be said that there is a marked lack of professional practice at this level of evaluation as well as a lack of institutional sensitivity. However, there is a general perception that TIA is a necessary tool in the decision making process and is important in meeting policy objectives.

From discussions at the national workshop sessions, whilst there is general consensus that screening should be conducted at the national level by central administration, there still remains some debate over what entity should be responsible for screening activities, its place in the central government organisation, who composes it, with what autonomy, with what collaborative relationships and interdependence with other organs of central government, and also in relation to the regional administration.

Slovenia

In Slovenia the Government Office for Development and European Affairs supervises the preparation of the national negotiating position for EU proposals. Presently, they distribute each proposal to the responsible party, a respective ministry. Reflecting the European division of fields and policies in which spatial planning has no legislation at the EU level, the Directorate of Spatial Planning at the Ministry of Environment and Spatial Planning does not participate in position preparations unless asked separately by the responsible ministry. Including the TIA in this process (existing arrangement) would most likely require participation of the Ministry of Environment and Spatial Planning in the position preparation upon the inquiry made by responsible ministry. Another possibility would be that the Ministry of Environment and Spatial Planning would follow the EU portal and independently enter the process with their official opinion on the need for TIA for each case separately. Alternatively, one of the boards, which participate in European law making and defend the national stand point, could decide whether the TIA is needed in each case. 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.

4.2. Scoping

Once it has been determined that 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. In a similar way to the screening process it therefore has a role in ensuring efficiency. Accordingly, where possible, it aims to:

1. Determine the individual elements of the policy proposal (or policy options) that should be assessed in detail, i.e. those measures that could potentially be capable of having significant impacts so that elements considered unlikely of generating such impacts can be excluded from further assessment. It should be noted here, however, that excluding certain policy elements at this stage could mean cumulative policy impacts are not adequately considered at the local/regional levels in the next stage of the TIA process;
2. Building from the screening exercise, identify the assessment criteria that are of most importance, i.e. those on which impacts could potentially be significant or where further local/regional level analysis is needed;
3. Determine the type of localities in which impacts will most likely be felt, or where they could be most significant, or most uncertain, so that detailed local/regional level assessments can be targeted in these areas.

4.2.1. Methods and techniques

To assist the scoping process, a second checklist has been developed based around the above considerations (Table 4)¹⁰. This should be applied flexibly to the policy proposal under consideration. For instance, it will not always be appropriate to sub-divide all policy proposals into 'policy elements'. The checklist is very similar to that used optionally at the screening stage and has been designed to be used in an identical manner in conjunction with the logical chain approach. Within it, impacts should be indicated in terms of 'yes', 'no' or 'uncertain', and supplemented by explanatory text and justification to ensure transparency. In completing the checklist, as in screening, a range of agencies and individuals should be engaged to ensure that impacts are considered from a range of perspectives. It will also be important to fully utilise

¹⁰ The structure of the scoping checklist will be finalised on the final selection of the assessment criteria (see section 3.2).

available sources of information. In addition to those detailed in the screening section this will include the outputs of the screening process itself including the screening checklist, if completed, and any logical chains developed as part of this process.

Table 4: Scoping checklist example

<i>Scoping checklist example</i>			
<i>Policy, policy elements or policy options</i>	<i>Assessment criteria</i>	<i>Significant impact? Yes (✓)/no(X)/uncertain (?)/typology not applicable (N/A)</i>	<i>Comments: nature of impact (e.g. positive, negative, direct, indirect, etc) and justification.</i>
Policy element A	Air quality		
	Soil quality		
	Economic growth		
	Employment		
	cont.....		
Policy element B			

The primary purpose of the checklist is to inform the assembly of an ‘assessment matrix’ (table 5) which should be developed by the scoping body following the completion of the checklist. This matrix functions as a template on which the assessment itself is structured focusing the assessment exercise only on the impacts that are considered by the scoping body to be most important. Accordingly, the axes of this matrix should be formed from the *policy elements* identified in the checklist to be potentially capable of producing significant impacts and the *assessment criteria* on which it is judged that these impacts could occur. In light of the limited time available in the policy negotiation period, the matrix functions to streamline the assessment process ensuring that is conducted as efficiently as is possible.

As part of the scoping process the scoping body should also identify ‘target’ localities at the local and/or regional levels that should be approached to

conduct the assessment. These should be selected based on their intrinsic territorial characteristics that make the potential impacts from the proposed policy in these localities more likely, potentially more significant, or uncertain, for instance, their proximity to a particular resource or the presence of a particular industry or activity. The underlying rationale was explained in further detail in section 3.2.

Table 5: Assessment matrix template example

Assessment matrix template example				
	1. Air quality		2. Soil quality	
	Impact Significance	Rationale	Impact Significance	Rationale
Policy element A				
Policy element B				
Policy element C				
Policy element D				
Policy element E				
Cumulative impact				

4.2.2. Governance

United Kingdom

Scoping responsibilities, similarly to screening tasks, will likely most effectively be embedded at the national level. This national level body, in addition to conducting the scoping tasks detailed above, will need to oversee and coordinate the process with the regional and local areas that undertake the detailed assessment(s). It will also be required to compile this information once the local/regional level assessment(s) are complete to present to decision makers. In the UK, it seems that the most potential to upload this into existing practices lies with the RIA process, and therefore scoping, as with screening, would be a responsibility of the policy relevant government department.

Portugal

As with screening tasks, the national/central administration is also recommended to implement the scoping phase. This should, however, coordinate closely with the regional administration as a way to ensure a better suitability between the assessment exercise and the reality of the locality that will suffer the policy impacts.

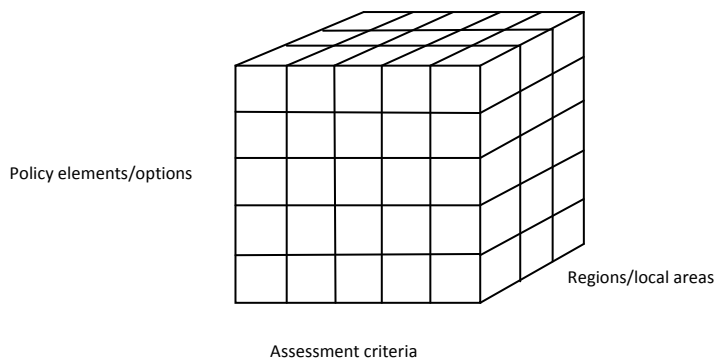
Slovenia

The responsible party for the scoping phase would again most likely be the Ministry of Environment and Spatial Planning, in which they would potentially name one individual responsible for TIA activities. Since TIA in practice is most likely going to correspond with the RIA procedure, an amended RIA form could be used for this purpose integrating territorial aspects to a greater deal. This would act only as an initial consideration of the potential territorial impacts since the more in depth assessment would be performed at the lower regional and local levels.

4.3. Assessment

The assessment stage involves the detailed assessment of impacts at local/regional levels, the amalgamation of this information, and the presentation of this information for decision makers. Essentially, the format of the assessment stage can be conceptualised as a cube with the elements of the matrix represented on the x and y axes and the localities in which the assessment is conducted along the z axis (Figure 8). Designing the assessment in this manner helps to highlight the differential nature of impacts across space. However, it is important to note that the accuracy and detail of the assessment in this regard relies to a large extent on the number of localities that conduct the assessment and so it is important that as many as possible are engaged in this process.

Figure 8: The TIA cube



4.3.1. Methods and techniques

The assessment process should be conducted by the target localities identified in the scoping process. In conducting the assessment these local/regional level areas should follow the structure of the assessment matrix developed as part of the scoping process and issued by the scoping body. As such, the policy (or each policy element) should be appraised in relation to each of the assessment criteria taking into consideration the unique context of the 'case study' locality concerned, including local trends and sensitivities. In this process, impacts should be defined in terms of their significance and orientation using a five point scale (strong negative (-2), negative (-1), neutral (0), positive (+1), or strong positive impact (+2)). They should also be accompanied by explanatory text justifying each determination as part of the reporting process.

In this process, assessor(s) should use the logical chain approach as necessary to consider how the policy proposal will impact the locality. Further, whilst there should only be a single impact grade given to signify the impact of the policy proposal on each of the assessment criteria in the matrix, local areas/regions should employ locally relevant/specific sub-criteria, as necessary, in making these determinations. For example, under a general criterion 'hazard risk', for instance, a local/regional area could define the sub-criteria 'forest fires' and/or 'flooding' which would only be relevant in certain localities. Each of the sub-criteria utilised in the assessment should, however, be made explicit in the rationale section of the matrix to ensure transparency.

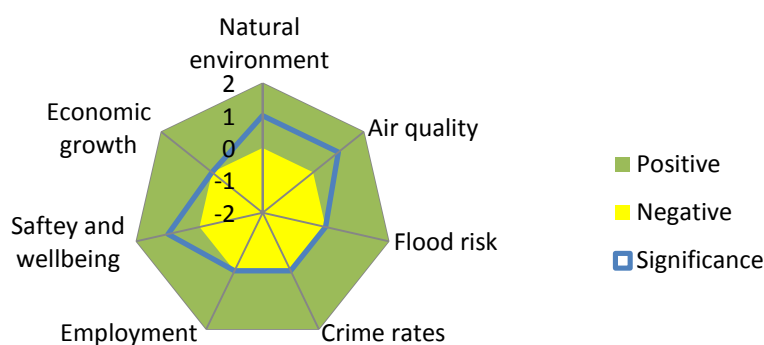
The matrix should be completed in a participatory setting based on the judgement of stakeholders familiar with the locality concerned. Again, it is important that this process involves the input of a broad range of participants. These should also, depending on what is appropriate, fully utilise available sources of information and evidence including the outputs of the Commission's impact assessment process, the outputs of the screening and scoping stages, previous 'negotiation stage' TIAs, and also local sources of information reporting on the baseline conditions in the locality. It is worth noting that detailed studies can also be conducted in making these determinations, time and resources permitting.

4.3.2. Amalgamation and presentation

Once the local/regional level assessments are completed, they should be amalgamated by a central body in order to present the information in a usable form to decision makers. A number of methods can be usefully employed here including graphs and charts to represent individual assessments diagrammatically (Figure 9). The main output of this stage, however, is the

mapping of impacts themed according to the assessment criteria utilised in the assessments. These thematic maps will help highlight the geographical distribution of impacts across the territory.

Figure 9: Radar Graph Representation of Territorial Impacts



4.3.3. Relating assessment criteria to policy goals

Further synthesis can also take place depending on the needs of decision makers. For instance, assessment scores can be averaged for each territorial unit or for each criterion at the national level to give a more general overview of the potential impacts of the policy. One method of further synthesising results that can have particular utility, involves connecting the results of the assessment to specific policy goals so that results can be interpreted in these terms. These policy goals can be defined in several ways - they can be broad and general, including goals such as 'sustainable development' or 'territorial cohesion', or can be more specific to the member state such as national spatial development goals. Once these goals have been determined (normally not more than 10 to ensure feasibility) the theoretical connections between the assessment criteria and each of the goals should be established and clearly marked in an evaluation matrix. For example, Table 6 shows the theoretical relationship between four goals of Slovenian national spatial development strategy and a selection of assessment criteria (based on parts of Table 2). Similar relationships could also be established using the overarching goals of the National Planning Policy Framework and the English planning system, for example.

Table 6: Relationship between the assessment criteria and the goals of the Slovenian National Development Strategy

Subfield	Criterion	C01 - Rational and effective spatial development	C02 -Polycentric development of the network of cities, towns and other settlements	C08 - Prudent use of natural resources	C12 - Environmental protection
Land resources	Exposure to erosion			X	X
	Soil quality	X	X		X
	Soil consumption - area with sealing problem	X	X		
	Forest			X	X
	Landscape quality	X	X		X
Economic Development	Economic growth (GDP per capita)	X	X		
	Innovation			X	
	Market burdens		X		
Demography	Migrations	X	X		X
	Natural increase	X	X		
	Population age	X	X		
	Households	X	X		
Efficiency	Planning process	X	X		X
	Administrative costs			X	X

In this same manner, one means of ensuring the comparability of results between member states at the European level, is to link assessment criteria to the six goals of the Territorial Agenda. This can be done either directly, by connecting the goals of the Territorial Agenda to each criterion (see Table 7), or indirectly, by firstly connecting assessment criteria to national development goals at the member state level and then in turn relating these to the goals of the Territorial Agenda. For example, the Territorial Agenda goal of ‘polycentric and balanced territorial development’ can be linked to the Slovenian national development goals of rational and effective spatial development, polycentric development of the network of cities, towns and other settlements, prudent use of natural resources and then also indirectly to the goal of environmental protection.

Table 7: Linking the assessment criteria to the goals of the Territorial Agenda

Subfield	Criterion	TA01	TA02	TA03	TA04	TA05	T06
Land resources	Exposure to erosion	X	X				X
	Soil quality	X	X		X		X
	Soil consumption - area with sealing problem	X	X		X	X	X
	Forest				X		X
	Landscape quality	X	X			X	
Economic Development	Economic growth (GDP per capita)	X		X	X		
	Innovation	X		X	X		
	Market burdens		X		X		
Demography	Migrations	X	X	X			
	Natural increase	X			X	X	
	Population age	X	X		X	X	
	Households		X			X	

Once these relationships have been established, to inform policy makers about how a policy proposal will potentially impact policy goals, we can summarise the assessment criteria scores for each of the criteria relevant to each policy goal. Usually this is done by calculating the average score. Besides a numeric score evaluators can also produce a descriptive summary of the assessment.

4.3.4. Governance

United Kingdom

The assessment process itself relies on the knowledge and insight of those conducting the assessment. Consequently, one necessary requirement is that the assessment should be based on the judgement of stakeholders familiar with the characteristics of the locality in which the assessment is being conducted, including local/regional trends and sensitivities. To this end, in the UK one existing arrangement that could offer some potential for operationalising this stage of the TIA process is the local planning process. For instance, in England, the assessment could be conducted in a workshop held in the context of the LDF/SA process. However, it has been noted by participants at one of the national workshops that resource availability in some local planning authorities could limit their capacity to effectively engage in such a process. Consequently, it is possible that if this approach was adopted resource availability would have to feature as an additional consideration for the scoping body when selecting target areas.

In terms of the amalgamating the information produced by the local level assessments, as with screening and scoping, it is likely that this would be most feasibly operationalised within the RIA procedure and be a government department responsibility.

Portugal

The assessment must be conducted as close as is feasible to the areas that will suffer the impacts. In Portugal this is the regional level. At this stage, it is important to put into practice assessment matrix developed in the scoping phase, but, it is also important that it contains some degree of freedom, which ensures a more reliable reflection of the specificities of each region without compromising the results required by the assessment at national and European level (namely its potential for comparability). It is still very important, at this stage, be able to identify and involve stakeholders considered relevant to the nature of the policy in question, in order to sound a broad range of sensitivities and enhancing the effectiveness of the assessment exercise.

Slovenia

At the moment, no final decision has been taken on who will perform the assessment in the process. Stakeholders and members of the learning network generally agree that the assessment should be performed at the national level since at this stage of the policy making process the content is considered to be too abstract for the lower levels. In the current position making arrangements, the local level only participates individually by submitting an opinion in the consultation process already open before the policy proposal reaches the member states. During position making, the limited time available does not allow for a long consultation period, consequently only those specifically invited to the process have a chance to help design the national stand point on the proposal. The time available is also not sufficient for comprehensive assessment studies to be conducted. One solution to this could be to integrate the Association of Municipalities and Towns in Slovenia or Association of Municipalities of Slovenia into the process as official consultants since they represent the view of majority of municipalities and also currently actively participate in EU law and policy making and so are familiar with the process. To consult each municipality separately would be time consuming and it is unlikely that it would produce sufficient results in the limited time available for position making. The national stakeholder in the process has suggested that wider considerations should be already done in the drafting process of directive when public consultation is open and there is enough time to prepare the comprehensive assessment. The regional level does not have the administrative power or the position, hence would not be addressed in the position making process, respectively.

5. Work towards draft final report

The work done to date in the three countries made evident the different situations regarding national legal and institutional frameworks as well as evaluation practices. We have one case where there is already a framework of territorial impact assessment (Slovenia), one in which important elements are in place (UK) and one of almost total absence of a similar framework of assessment (Portugal). The learning workshops with national stakeholders provided important input to the issues of governance, process and methodologies and to a practical view of TIA's likely implementation difficulties.

The work already done has enabled a consensual conceptual basis (among the three teams) specifically on what is meant by territorial impact assessment and on a common approach to the design of a general procedure and related assessment methodologies for TIA.

Work towards the draft final report will revolve around the following key stages/events:

- (1) Steering group meeting in London on 05 September 2011.
- (2) 'Understanding Territorial Impacts: the Member State policy-maker perspective' Workshop organised by the Stakeholders in London on 06 September 2011.
- (3) UK and Ireland Planning Research Conference 'Planning Resilient Communities in Challenging Times' in Birmingham 12-14 September 2011; a dissemination presentation and workshop on TIA will be held as part of the conference to introduce the wider academic and planning community to the concept of TIA and the work of EATIA.
- (4) TPG meeting in Birmingham on 14 September 2011 to discuss next steps following the Interim Report and the stakeholder seminar held in London.
- (5) October - December 2011: Testing the proposed model on four directives in each country. Some of these directives will be common to the three countries, others will be different. This work will be done in close collaboration with the national stakeholders to better assess the possible practical difficulties of implementation (considering all aspects of process, governance, methods, assessment criteria, communication strategies, etc.) in order to assess and fine tuning the proposed model.

- (6) ESPON seminar in Krakow; 29-30 November 2011
- (7) European Council of Spatial Planners Workshop
- (8) TCUM meeting, 15 December, Brussels
- (9) Last interactive learning workshops (January 2012)

The central objective of the next phase will be to test the effectiveness of the proposed framework, taking into account its future practical application by officials and professionals in each stakeholder country.

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Annex 1: FIRST WORKSHOP FINDINGS SUMMARY

1. Participant experience in the formulation of EU directives/legislation
UNITED KINGDOM
<p>Mixed involvement. In terms of EU directives, 21% participants had had involvement directly in the directive formulation process. The same proportion signalled that they had commented on a draft directive that was out for consultation. Of those that hadn't been involved in the process, 21% stated that they had been aware of a draft directive that was out for consultation, whilst 36% of participants stated that they had not previously taken notice of the drafting process at all.</p>
SLOVENIA
<p>When participants were asked to complete a questionnaire only five out of 39 participants indicated that they possessed experience with EU directive preparation. These participants had joined the process as coordinators in negotiations with the EU and employees of the government office for European affairs - they had helped in preparing the national position statements regarding directives in the field of the environment, Commission communications and Council decisions. Additionally they had participated in the transposition of EU regulations into national regulation and in drafting the guidelines and studies in the regulatory process.</p> <p>28 out of 39 participants in the survey (72%) answered that they had not participated in such a process so far, whilst 6 participants didn't reply to the question. Generally when participants lacked experience with EU regulations, they willingly explained their engagements in the national regulatory processes such as in the preparation of decrees, operational programmes, statistical performance analysis, and public consultations.</p>
PORTUGAL
<p>Only one respondent answered that they had had direct involvement in the directive formulation process. The same person answered that he had commented on a draft directive that was out for consultation. Four respondents said they had seen a draft directive that was out for consultation and the remaining respondents (the majority, 55%) confirmed that they had not taken part in (or notice of) the drafting process of any European Directive.</p>
2. EU directives and their territorial impacts – workshop participant awareness and proposals for project consideration
UNITED KINGDOM
<p>When asked, the majority (71%) of participants stated that they had come across directives in the past that have had impacts that they believed must have been unanticipated when the directive was drafted. Of these, 14% noted that these directives had in fact caused them problems in their day-to-day work.</p> <p>When participants were asked specifically to name directives that they believed had, or were likely to have, territorial impacts, a number were mentioned, including the Habitats Directive, Directive on Environmental Noise and the Marine Strategy Framework Directive. Of those mentioned, participants elaborated on the impacts/potential impacts of a number, as follows:</p> <ul style="list-style-type: none"> • Revised Waste Framework Directive: Gives support to planning for 'difficult' developments • Water Framework Directive: Argues against housing in certain areas

- Renewable Energy Directive: Drives the growth of wind farm developments with potential impacts on tourist areas
- Nitrates Directive: Has a local/regional impact on largely agricultural regions which could negatively impact the chicken and pig industry in places like Northern Ireland
- Rail Interoperability Directive: Imposing rules on cross-border transport where systems already work well – solving problems that don't exist
- Electricity Directive: Is aimed at larger member states and could lead to inefficiencies and consequential price increases in smaller regions such as Northern Ireland – economic impacts.

Participants further noted that considering only EU directives may be too narrow a focus, and that perhaps widening the scope of the project to consider other areas of EU law, e.g. regulations, and also to consider funding programmes, may be beneficial.

SLOVENIA

One section of a written survey issued to workshop participants focused on highlighting directives in the context of territorial impacts. In 11 cases (out of 39) participants listed no documents. When directives were noted the most frequently mentioned directives were the Natura 2000 "Habitat and Bird directives". Other environmental regulation followed such as the SEA directive, flooding prevention legislation, SEVESO directive, and regulation on use of renewable energies. The territorial dimension was also highlighted in cohesion policy, tax legislation in the real estate sector, regulation introducing subsidies in the construction sector, transport policy and the common agricultural policy. Additionally, working regulations was mentioned together with regulations on the economy and small business.

Participants also considered the territorial impacts of previously introduced EU directives. Again, no impacts were mentioned in 11 cases. Positive impacts were listed less frequently, more or less focusing on environmental protection and a sound consideration before any development rights are granted. Natura 2000 was again at the centre of the debate. Participants recognised its positive influence on development control and the preservation of landscape and environmental quality, but also described the burdens that these directives had enacted. For example, there has not been sufficient governmental support for the use of Natura 2000 sites for development activities; therefore they had been understood just as an obstacle to development. By protecting these areas less space had been available for development and more complicated steps needed to be taken in order to get the development right. Additionally, there had been a gap between the obligations written in law and the actual performance, which can also be explained by insufficient sanctions. Beside the environmental aspects of Natura 2000, infrastructure construction was identified as the most positive territorial impact caused by EU policies. New infrastructure might have been the result of several different regulations, e.g. transport, environment, cohesion policy, etc. Other impacts were also mentioned including the effects of EU policy on agriculture and the environment - the character of countryside was better preserved or landscape can change through land management activities steered by directives. It was also noted that policy impacts could be contradictory and stimulate unwanted development such as dispersed settlement patterns. The negative impact of energy policy was mentioned in the context of land degradation due to the intensive installation of new production capacities using hydro power, solar energy etc.

Descriptions of territorial impacts were complemented with a description of administrative burdens and regulatory impacts. Firstly, difficulties establishing direct cause-impact relationships when a territorial dimension was included were exposed. Since directives were "implemented" as a result of a transposition process and by national legislation it was not always clear where the source of the impact was located. Secondly, focusing on measures considering environmental quality had

complicated and lengthened spatial planning procedures. Thirdly, problems also occurred due to the unsuitability of the administrative level obliged to implement regulation (as in the case of the waste management directive) and institutional arrangements. Hyper productivity of sectoral regulation was not backed up with the sufficient co-ordination activities and transparency. For example, environmental legislation usually focused very narrowly on one environmental aspect such as water protection but did not include any consideration of the territorial impacts in it.

Group discussion was also engaged in identifying the foundations of unwanted territorial development as induced by directives. Again, Natura 2000, flood prevention, the “noise directive” and the “air quality directive” were highlighted. The most apparent problem was the process by which directives were transposed into Slovenian regulation. Regulators were described as not being cautious enough - not being willing to perform any further analysis of the potential transposition impacts, or when assigning obligations to administrative levels, and by making no roadmaps of regulation implementation. Very often they had eagerly set up more rigorous rules than needed by the EU without a sound consideration of the likely effects of such behaviour. It was also mentioned that the different regulations could interact with each other which could intensify and/or distort individual territorial impacts. Time pressure was an additional factor that could result in imprudent policy decisions. Participants also noted that after legislation had been adopted too little was often done to support its implementation, for example by presenting the good practice cases or by guaranteeing financial support for delivery. Overall, the system also lacked human resource capacity. The quality of territorial development in Slovenia also suffered from an absence of the regional spatial planning level which could serve as a mediator between the national and the local level. Now, municipalities notified the national government about obstacles to implementation at the local level, as in the case of the air quality directive, but no measures had then been taken by the governing authority. Financial incentives were also very likely to steer territorial development one-sidedly, e.g. favouring only infrastructure construction, and leaving behind other policy focuses.

Suggestions regarding policy fields

Policy fields and directive proposals were derived from a preliminary list of directives handed out during discussions. This list was a concise version of the European Commission working programme for the years 2010, 2011, and the period from 2012 to 2014. Potential policy fields and topics, such as energy, agriculture, maritime spatial planning, regional policy, climate change, etc, were then discussed. Several criteria were mentioned as important while considering appropriate case studies for the ESPON EATIA project:

- inclusion of two aspects: one document should cover environmental protection, the other territorial - development aspects
- national relevancy
- data availability
- transnationality
- regulatory status: legislative vs. non-legislative
- document dimension: one regulation which focused on very narrow policy issues and the other with a broad issue coverage
- consideration of the multidisciplinary aspect of territorial policies

The most frequently mentioned documents (legislation, policy) were the following:

- Possible Commission initiative to step up beyond 20% (20 to 30%)
- Legislative proposal following the Commission Communication "Towards a better targeting of the aid to farmers in areas with natural handicaps" (Less Favoured Areas)
- Directive on Water Efficiency of Buildings Legislative
- Legislative proposals on the European Regional Development Fund (ERDF),) and Cohesion Fund (CF)
- Revising the TEN-T guidelines

PORTUGAL

The large majority of participants (only one said “no”) stated that they had come across TIA prior to the workshop, through their work or in the context of a professional or academic training activity. These respondents framed TIA to the current debate on public policy assessment, regional development and territorial competitiveness. They also recognised the relevance of TIA and felt the need for the systematic application of assessment tools in order to anticipate negative or unexpected impacts of directives during the design phase, making possible some adjustments as well. They also referred to the importance of considering regional and national specificities and the need for the effective integration of different sector and spatial policies, if possible.

A reference was also made by all participants regarding the (EATIA) project’s opportunity and, advantage of, tackling the reduced, and sometimes the inefficient, articulation between different sector policies and the corresponding negative territorial impacts.

During the debate, the Natura 2000 directive was often mentioned as a good example of a European directive which, in their opinion, caused unexpected or negative impacts. Frequent difficulties were felt by professionals during their daily work, due to unmatched correspondence from European directives and national and regional realities. The EU’s common agricultural policy was another example mentioned several times. Energy, transport and cohesion policies were also considered priority areas.

3. Towards an implementation mechanism for TIA – findings and suggestions

UNITED KINGDOM

A number of points were raised:

It is important to consider not just the formulation of EU directives but also the implementation. There are essentially two stages to consider, the *negotiation* stage and the *implementation/transposition* stage. TIA could potentially have a role in both stages to help ensure negative impacts are avoided, however it may require two different mechanisms to operationalise it.

When asked directly, 86% of participants believed that unwanted territorial impacts associated with EU directives could be detected if considered somehow in the local planning process (Local Development Framework - LDF). If this was the method employed, the majority of respondents (58%) believed that the LDF process itself would be the best platform for this whilst 33 % believed that the sustainability appraisal for the LDF process would be the best mechanism. Regardless of the way it is implemented in practice, the majority of participants believed that the local planning level should only be involved in the development process for a select number of directives, i.e. those with clear territorial implications.

Along with the local planning level, the role of the Local Government Association (LGA) was also highlighted as a potential component of any TIA implementation mechanism. This has a key lobbying role at the European level, particularly through the Council of European Municipalities and Regions (CEMR) - which brings together LGAs from across Europe - and also has influence through the Committee of the Regions in which it briefs the UK delegation. The Committee of the Regions is formally consulted on much proposed EU action.

At the national level, attention was brought to the UK government’s impact assessment system. This could perhaps have a role in *screening* directive proposals for territorial impacts given its existing application to new EU proposals - in the negotiation stage - and during implementing EU arrangements in the UK. The detailed TIA itself could then be carried out at the local level. It was noted that if such a screening process was carried out it may be necessary however, to involve practitioners from the local level in this directly.

SLOVENIA

As part of the workshop, participants discussed potential improvements to the policy making process with a focus on TIA. They suggested joint coverage of environmental and territorial impacts but not under the umbrella of SEA. They also advocated accompanying every regulation with implementation guidelines and several good practice examples. Furthermore, they believed that potential impacts should be carefully considered in all phases of policy making including during the drawing up of EU directives. However, the problem of the right addressee in the case of TIA was revealed. It is very unlikely that a politician with a limited mandate would accept a measure from which the positive impacts would only show after ten or more years but which would at the same time limit development rights immediately. Therefore it was very difficult to persuade decision makers to also consider territorial impacts. TIA was also recognised as a tool which could empower inter-sectoral co-operation and reconciliation of territorially related policies now adopted by separate departments. On one hand a need for a change was uttered, on the other the fear of losing the power was also expressed.

Generally, TIA was not recognised as a method such as SEA but more as a continuous process. This process included the regular consideration of territorial impacts each time a policy was prepared or implemented, or even when its results were monitored. TIA could serve as a monitoring tool or even better as prevention tool which could enable the comparison of alternatives and a choice of the optimal solution. The nature of the process would be dependent on its participants, the policy making phase in which territorial impacts were inspected and participations of different sectors. The most valuable results could be expected when different aspects of evaluation were incorporated and impacts were inspected on different territorial levels.

Regarding the phase in the policy making process in which TIA should be integrated, there was quite uniform consensus. TIA should be present in all phases and on all administrative levels. It should inspect not only directives but also other forms of regulation. It was seen as especially important that territorial impacts are included in the assessment during the transposition process and that adequate monitoring is set up later on. SEA was not seen as a suitable model or platform to launch TIA into wider policy making. Participants also did not see TIA as another obligatory procedure. Further, representatives of the regional level mentioned that during the EU directive preparation process it was very difficult for them to relate to the potential impact assessment since the distance in decision-making level is all too obvious. Thus it was delicate to demand their co-operation in the process if no relevance or political power was present to them, as in the case of Slovenian regional development.

PORTUGAL

The debate produced the following list of remarks and suggestions (addressed, in particular, to the project team work):

- (1) It will be essential for the success of TIA implementation to adopt a simple and straightforward methodology (focused on practical and useful final results), able to balance qualitative and quantitative aspects and to address and articulate different scales of analysis (European, national and regional), because different scales of analysis could evidence different (often opposite) impacts;
- (2) It was mentioned the importance of integrated and participatory methodologies;
- (3) The importance of defining the central and critical aspects to integrate TIA was clearly stated. Maybe these (aspects) could be related to the notion of "public interest", like, for example, land consumption, change of local or regional economic activities, networks and systems organisation (e.g. infra-structures, amenities/equipments and services), territorial competitiveness and intra-regional relations. To the project team, it could be useful to look at pre-existing tools for impact assessment (related to different EU policies) and use, as a starting point, what they might have as positive and functional in order to build an usable and friendly TIA methodology;
- (4) Importance should be given to the analysis of mutual and crossed effects emerging from different policies supposed to act on a given territory;
- (5) For each country it is essential to understand what the most adequate level to implement

TIA is: National? Regional? Regional with national coordination? Local? In Portugal, the majority of participants argued that the local (municipal) level is not adequate to implement TIA and tend to sustain the regional level, though recognising added difficulties at present (problems of available information at a regional scale and governance problems);

- (6) For a particular draft directive, it is important to consider the national (or the regional) policies geared towards the affected sector, and identify the type (positive or negative) and the dimension of the impacts and of their inter-relationships (between the proposed directive under assessment and the national or regional policies);
- (7) It was mentioned the need to change the philosophy and the practice of directive transposition into national law in order to focus on and take due account of the national and the regional specificities;
- (8) TIA should be responsive to regions which have the same "label" (e.g. border regions) but include rather different realities ("blindness policies" may generate very different territorial impacts).
- (9) Finally, it was reinforced the idea that, in the future, TIA should be concrete and objective, beyond common sense that drove the past and present practice of directive and EU programme analysis. In order to be effective and efficient, the availability of a good TIA synthesis was also emphasised.

Annex 2: SECOND WORKSHOP FINDINGS SUMMARY

<p>4. Participant feedback on the project definition of ‘territorial impact’ and ‘territorial impact assessment’</p>
<p>UNITED KINGDOM</p>
<p>In general there was agreement on the content of the definition. A few wording changes were suggested (including using the broader term ‘place’ instead of ‘member state’ in the last sentence, see below), most of these were however, minor, and largely reflected personal preference or concern that some terms, e.g. ‘ex-ante’, may not be the most appropriate for use in the UK practitioner community. Overall, no fundamental content changes were proposed. There was also some support for a general movement away from defining ‘territorial impact’ directly in relation to the concept of ‘territorial cohesion’.</p> <p><i>‘In the context of the EATIA project a ‘territorial impact’ 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. Territorial impact assessment is consequently 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’.</i></p> <p>There was mixed agreement on the inclusion of a governance dimension in the definition. Some participants, particularly those from the local level, expressed concern at the inclusion of this element, feeling it may confuse or overburden the process. Others saw it more favourably, believing that it could fit comfortably within the remit of TIA, as the term ‘territorial’ could be interpreted more broadly than ‘spatial’, to encompass wider aspects of human functioning.</p>
<p>SLOVENIA</p>
<p>The Slovenian translation of the definition of “territorial impact” was presented to the participants, however it did not raise any questions or doubts. Participants found it relevant and acceptable in regards to this project. Same was with the definition of TIA as a method.</p>
<p>PORTUGAL</p>
<p>The definition of “territorial impacts”, produced in the context of EATIA project and presented to stakeholders, did not reveal any disagreement. However, it was stressed that it is important to invest more time defining what is meant by territorial (and social) cohesion, with more accuracy and specificity, mainly because it is crucial in the definition phase of evaluation criteria.</p>

5. Comments on the selection of TIA methods and impact criteria

UNITED KINGDOM

After being introduced to the assessment approaches proposed for use in the TIA framework, participants were asked to comment on the suitability of the list of 'impact fields' employed in the ESPON ARTS project for inclusion as assessment criteria. Many of the points subsequently raised by participants concerned the format of the criteria as opposed to terminology changes, in this respect the following comments were made:

- The subfield level of detail is probably sufficient without being further subdivided, e.g. soil, water, air. It is also perhaps unhelpful to box these into environmental, economic and social divisions considering the potential for overlap.
- Within these broad criteria, localities conducting the assessment could define their own locally relevant sub-criteria to aid the assessment process. This would allow them to make best use of data available locally, recognising that the same data may not be available in all areas. The sub-criteria utilised to assess each criterion could be detailed in the rationale section of the assessment template to ensure transparency.
- Concern was raised as to how mitigation could be accommodated. For instance, if an assessment team is aware of a means of mitigating a potential negative impact in a locality, should this influence the impact significance rating in the assessment? Furthermore, how could these mitigation 'suggestions' be put to decision makers?
- There is a need for a greater balance in the number of criteria between each field.

In addition to the above a number of terminology changes were also proposed:

- Climatic factors' renamed 'climate'.
- The 'economic development' criterion could be renamed simply 'economy' and divided into production, distribution, retail and services / primary, secondary and tertiary sectors.
- 'Demography' could perhaps be more clearly termed 'population characteristics'.
- 'Governance' could be replaced by 'public administration' and 'participation rate' which are perhaps clearer and more relevant.
- The 'water consumption' criterion could be broadened to 'natural resource consumption'.

SLOVENIA

More feedback as for the definition of the TI and TIA was given in the case of the criteria list. The project team did some amendments to the list already before the workshop:

- Renamed first climatic in the climate, then we decided to abolish it and opted for "exposure to the nature hazard".
- Separated heavy rain, flood hazards, occurrence of landslides into separate criteria, e.g. hazard of thunder storms and torrential rain, flood areas, and areas with occurrence of landslides.
- The field of energy supply was moved to the environment.
- The criterion "entrepreneurship (share of private enterprises)" needs further clarification since it is not clear whether this goes for the number of companies or employees.
- "Problem of overgrowth" and "average size of farm" were added under the agriculture subfield.
- Criterion number of beds was added under the subfield tourism, migration and age

dependency index to demography.

- Build environment was upgraded with share of degraded area and share of empty buildings.
- Subfield of education was added, including university education, share of children in the kindergarten and number of universities.

Working with the updated and translated list participants told us the following:

- The list of criteria looks very alike to the criteria used for the Strategic Environmental Impact Assessment.
- Territorial development objectives are missing from the list (mentioned by a few participants). Without the objectives the link between the fields/criteria and the policy cannot be identified. The criteria are thus needed as a content basis of the evaluation.
- Use of solely the objectives instead of criteria is not recommended since they change with each directive.
- The number of criteria is too high. They should be adapted and defined for each directive separately.
- The list can serve as a “memo card” for identifying potential impacts.
- It is helpful to have the criteria organized by the fields, however subfields are not that necessary but provide orientation.
- The criteria of agricultural land should be added as one of natural resources, thus being listed under the field of environment and not the economy.
- Accessibility should be added to the field of economy, however its definition should be broadened since from the present one the meaning is not clear and unique.
- More than criteria, it is important on which territorial level the assessment is performed.

PORTUGAL

Starting from a set of examples of possible methods (matrices, logical chains, list of impact fields) to be used in TIA, the debate emphasized the following issues:

- It became clear to the group of stakeholders that, given the specificities of each directive and each regional context, there must be a strict framework for scoping and screening, but some freedom of action in TIA implementation, particularly in terms of method. This way of understanding the assessment exercise puts a special emphasis on the level of specification of out-puts, which should be rigorous in order to balance the freedom of implementation given to the authorities engaged. This ensures the comparability of results at the national level of final analysis and European level of Directive design;
- The group also emphasized the importance of balancing common assessment criteria (giving special attention and rigorous definition at the scoping phase) and specific assessment criteria (where some freedom can be added to the methodological approach);
- relating to the previous questions, it was also concluded that the nature of each Directive determines closely the scale used (regional, national and even transnational) and the identification and mobilization of stakeholders. Then again, there must be some freedom of implementation of TIA in order to be able to adapt it to the requirements of each case, without compromising the necessary comparability of final results;
- exercise conducted on the Habitats Directive has concluded, firstly, by its feasibility with limited complexity. For this, seemed appropriate to start by making an initial exercise based on logical chains for later use more complex methods, where it is essential strict definition of criteria, fields and indicators of analysis;
- it was mentioned by some participants that is important to have, in the future, an indicator of quality/fidelity applied to the process and end result of the transposition of Directives, thus preserving the ability to identify problems in that phase which may detract from well-designed Directives, including those with ex-ante territorial impact assessment.

6. Feedback on the process and governance aspects of the TIA framework

UNITED KINGDOM

Participants were asked to comment and make suggestions on the design of a UK TIA governance framework considering the various stages of the TIA process. The following comments were made:

- A means of coordinating the views of the various administrations (England, Scotland, Wales and Northern Ireland) needs to be looked at further. The role of the Foreign and Commonwealth Office or the Cabinet Office should be considered here. Alternatively, outside of government, the group of chief planners could be looked at.
- Ideally screening tasks need to be done centrally at the national level by a coordinating group. Screening will likely be an important consideration in the TIA framework given the significant number of directives proposed annually.
- Scoping should also be done at the national level. This could involve the development of the TIA matrix which could then be sent down to the sub-national levels and completed. Scoping tasks could further include the development of a logical chain of potential impacts which local/regional assessment teams could use to guide their assessments.
- A key consideration in the assessment stage is the timescale of directive negotiations. At the local level some Local Planning Authorities may not have the resources to take on TIA tasks and this could make the process slow or difficult. Perhaps just a few localities should be asked to conduct the assessment with resource availability a consideration in the selection process. This again would become an important scoping task.
- The capacity of the Local Government Associations to participate in the TIA process itself may be limited. These have a good lobbying role however it is questionable whether these would be a good platform on which to implement elements of the TIA process.
- The role of the regional offices in Brussels should also be considered in the governance framework. In the case of England their capacity may, however, be diminishing.
- The potential role of Local Enterprise Partnerships should be looked into further.

SLOVENIA

Debate on TIA framework derived from the materials which were handed in or presented to the participants:

The scheme showing the procedure of the preparation of national position to the directive proposal (see already updated and translated version we work on).

The translated and slightly adapted version of TIA framework as submitted by the UK team.

Presentation of the Mrs. Koblar in charge of the position preparation coordination who works for Government Office for Development and European Affairs. She spoke about the present approach to the position making and also explained how territorial impacts are integrated and evaluated.

“Quiz” on how the TIA can be integrated into the existing procedures and then also implemented.

Presentation made by Bas Waterhout on the Dutch approach and ESPON ARTS projects which gave an insight into the other national practice in EU.

These are the general outcomes of discussion:

- ESPON ARTS approach seems too lengthy to be successfully transferred into the practice and existing procedures. The most useful part of the method is the logical chain.
- The Dutch check list was commented on as potentially useful for Slovenia, so further explanation was required on who prepared the list and whether the same list is used for each directive.
- It would be the most suitable if territorial impacts were considered already in the draft preparation phase before the draft directive is submitted to the member states for consideration.

- On the national level we need an institution which would be “sensitive” to the territorial dimension of directives or this task should be mandated to the ministries, responsible for dossiers. Actors without the dossiers (without the competence on the EU level as goes for the territorial field) are only participants in the position preparation, so their integration into the preliminary phases of directives’ drafting relies on the quality of organization of work in the ministry. Usually it is difficult to assure participation in all territorially relevant procedures thus integration remains periodical.

For easier comprehension we have structured particular outcomes regarding their topic:

1. Who should be the one to accept the decision of whether the TIA is necessary (screening phase) during the national position making?

- New institutional setting should be available, e.g. someone with the decision-making power, an institution above the sectors which is horizontally not equal to the others. Vs. Existing working group for EU affairs, Ministry of Environment and Spatial Planning or Governmental Office of Development and European Affairs should do it.
- Obligation for the TIA should be determined with the regulation, otherwise the actual implementation cannot be guaranteed. This regulation should also set up the list of the documents for which the TIA is necessary. Vs. TIA should be implemented for each regulation.

2. Who should perform the actual assessment?

- Ministry responsible for preparation of the national position should break down the directive into logical chain of causes and consequences. Similar tool as the Dutch check list should be used for this task.
- There should be a list of responsible persons at each ministry. The actual performance should be of competence of public administration; further analyses can be executed by external experts.
- Only up to one month is available for TIA performance and position preparation which is only enough for the simple check of potential territorial impacts. Thus, we need a simple tool which gives valid results. The question was raised whether such tool can be synchronized in all participating countries.
- If the member state reacts in advance before the proposal is actually submitted to the member state, an in depth analysis can be performed.
- TIA is too demanding for the ministry, therefore we need a simple tool which enables simplified implementation.
- Due to the time limitation the detailed TIA should be subject of the transposition phase.

3. How and when public participation should be delivered?

- First of all, public should be better informed: minister, responsible for the territory should publically announce the position on the each directive’s proposal and the whole schedule of the procedure. Public hearing should be organized to get also the insight on the directive through the eyes of the public. If the public is not invited to participate, at least it should be informed about the whole procedure and explanation of the final decision.
- At present only singular representatives of public are invited to participate in the process by the ministry. This invitation depends on the decision of the ministry about how open debate they want during the position making.
- Better options for public participation are available during the directive drafting and proposal making on the EU level through the official EU portal for public consultation: http://ec.europa.eu/yourvoice/consultations/index_en.htm.
- One option would be to publically present the directive proposal.
- At the moment public can be informed about the national position on directive through the public sitting of the relevant committee in the national parliament.

4. What is the framework in which we should assess territorial impacts?

- It depends on the case.
- The political framework to which we should apply TIA is the national spatial development

strategy – Strategy of the spatial development of the Republic of Slovenia.

5. Which is the relevant territorial level for the assessment of territorial impacts?

- In the phase of the position making the territorial unit is not that relevant as the careful consideration about the goals which the member state wants to deliver. More concrete consideration should be a matter of transposition phase.
- Territorial level is difficult to be defined in advance, since this is conditioned with the content of the regulation and its extent. For example, one directive can be targeted to a very specific location, while the other is relevant to the whole national territory.
- The most suitable territorial level is the national level.

6. Which spatial development objectives should be used to evaluate impact assessments?

- National spatial development goals as stated in the Strategy of the spatial development of the Republic of Slovenia.
- Objectives, listed in the municipal spatial plans are not explicit enough. Also, the member state pays for the violation of the EU law even if executed by the local community, thus the national goals are more relevant.
- Instead of confronting directive with the spatial development objectives, different scenarios could be prepared for the delivery of the content and then evaluated.

7. What is the most appropriate form of the results' presentation?

- Matrix is very difficult to read and also unattractive.
- Map is a better representation, easily scanned and more popular with the people.
- Combination of the text and the suitable graphic representation.

PORTUGAL

Faced with the design of a Portuguese TIA governance framework, participants made a set of suggestions in order to make it a more reliable and accurate view of reality. These suggestions are obviously taken into account in the enhancements to make in the initial proposal. In addition, they stressed the following issues:

- the absence of an agency responsible for evaluation of impacts with territorial dimension. There is a Environment Ministry with scarce territorial sensibility;
- the possibility that there can be an inter-sectoral/inter-ministerial committee to implement the screening and scoping. In the current situation, whenever any entity wants to assess territorial impacts, they do that on their own, without an appropriate framework and without coordination with other relevant entities for the process concerned. The intent is not to create a new entity, but to integrate the territorial dimension in the existing institutional framework and find a way to make it run successfully in terms of results;
- the centrality of governance issues in the Portuguese context: How to coordinate entities used to competing with each other? There is a collective consciousness that new methods and new indicators will not be successful without organization and institutional coordination;
- it would be useful for the TIA process to enhance the performance of scientific bodies (in specific moments of the process), giving a less government and more scientific approach;
- the imminent review of national legislation of impact assessment can be an opportunity to introduce some changes to existing tools (SEA and EIA), in terms of shape and/or in content, in order to give them the territorial dimension that is lacking.

7. EU policy suggestions for applying the TIA framework

UNITED KINGDOM

Participants were presented with a shortlist of 12 directives that could be used to test the TIA framework and asked for their preferences. Overall, the Habitats and Renewable Energy Directives were seen as being most desirable (67% of participants supported their use), followed by the Air Quality Framework Directive, SEVESO II Directive, Water Framework Directive and the Waste Framework Directive.

SLOVENIA

Since directives were subject of the previous workshop and also an extensive discussion with the national stakeholder we decided to present the pre-final list of four directives considered for the pilot assessment. These are the following:

- **1992/43/EEC** Habitat directive on the conservation of natural habitats and of wild fauna and flora,
- **2009/28/EC** on the promotion of the use of energy from renewable sources,
- **2010/31/EC** on the energy performance of buildings and
- **COM/2006/232¹¹** on the soil framework for which only draft directive exists since its preparation has been stopped.

In the material provided to participants each directive was presented with the background for the directive's adoption, objectives, measures and the way by which the directive was transposed to Slovenian national law. Additionally, the feedback was given on how these directives apply to the criteria for the directives' choice as stated by participants in the first workshop. Here is the table:

Directive	92/43/EGS "Habit"	2009/28/ES "Use of renewables"	2010/31/EU "Energy efficiency of the buildings"	COM/2006/232 "Strategic framework for the soil protection"
Criteria				
Transnationality	✓			
Aspect				
protection	✓	✓	✓	✓
development		✓	✓	
Type of regulation				
Law	✓	✓	✓	✓
Other regulation				
Coverage of the field(s)				
broad – several fields	✓	✓		✓
narrow – one problem			✓	
Field¹²				
Agricultural policy		✓		✓
Energy supply		✓	✓	
Transport and climate change		✓	✓	✓
Environmental protection	✓	✓	✓	✓
"Phase of directive"				
Directive's proposal				✓

¹¹ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework for the protection of soil and amending Directive 2004/35/EC.

¹² Additional fields were mentioned but are not covered here: areas with special development needs, water supply and regional development.

preparation on the EU level				
Position making in the member states				(✓)
Transposition of directive into the national law		(✓)	✓	
Implementation	✓	✓		

Participants did not object to the choice of directives and accepted the suggestion.

PORTUGAL

There was general agreement on the list of suggested Directives ⁽¹⁾ to perform the exercises of application of the TIA. Even so, it was suggested to also include the Directive on soil protection, currently being designed in European institutions. This Directive provides the incentive of allowing an ex-ante assessment, which gives greater realism to the exercise against the frame reference of EATIA project.

(1) List of suggested directives

1992/43/EEC Habitat 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

on the promotion of the use of energy from renewable sources

2010/31/EC

on the energy performance of buildings

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