SUIT
Sustainable development of Urban historical areas through an active Integration within Towns

Task 1.1a - Review of present European environmental policies involving the cultural heritage

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Summary

This report introduces the cultural heritage issues as presently dealt with by European environmental policies. Two main sources of policies have been investigated in this regard. We first highlight the present state and limitations of EU action towards culture. We then concentrate on some aspects of existing or upcoming environmental policies, dealing with the right of access to information, Environmental Impact Assessment and Strategic Environmental Assessment. The implications of these policies towards heritage at large and, more specifically, urban built heritage, are briefly discussed. It is basically assumed that these may play a role in the active conservation of urban historical areas, a framework that is defined at the end of the report through case studies collected amongst the SUIT partners.
## Content list

1.0. THE CULTURAL HERITAGE IN EUROPEAN POLICIES 4
   1.1. Culture and subsidiarity 4
   1.2. The Culture 2000 Framework 4
   1.3. Culture in other European policies 6

2.0. ENVIRONMENTAL INFORMATION 6
   2.1. Directive 90/313/CEE 7
   2.2. The Aarhus Convention 8
   2.3. The proposed Directive 8

3.0. ENVIRONMENTAL IMPACT ASSESSMENT 9
   3.1. Screening 10
   3.2. Alternatives and Baseline conditions 13
   3.3. Scoping 14
   3.4. The Environmental Impact Statement 16
   3.5. Quality review 18
   3.6. Monitoring and feedback 19

4.0. STRATEGIC ENVIRONMENTAL ASSESSMENT 21
   4.1. The forthcoming SEA Directive background and legal context 22
   4.2. SEA as a way to foster sustainable development 24
   4.3. The World Bank experience 25

5.0. URBAN HISTORICAL AREAS ACTIVE CONSERVATION 28
   5.1. Area-based conservation policies 29
   5.2. Active conservation requirements 32

6.0. GLOSSARY OF TERMS 34

7.0. REFERENCES 41
1.0. The cultural heritage in European policies

The preservation of cultural heritage falls under the scope of numerous European Union policies. First and foremost Article 151 of the Treaty (ex. Article 128) states that "The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing common cultural heritage to the fore".

The concept of Culture is for sure very difficult to define. It varies dramatically in space and time and it is often stamped with subjectivity. As stated in some European Commission documents, "it is not for an institution to define the content of the concept of culture" (CEC, 1996 a). According to UNESCO, "culture consists of all distinctive, spiritual and material, intellectual and emotional features which characterise a society or a social group". This definition may appear as a very broad one, possibly too large to be operational in any way. It nevertheless reflects the fact that "culture is no longer restricted to "highbrow" culture (...). Today the concept also covers popular culture, mass-produced culture, everyday culture" (CEC, 1998).

1.1. Culture and subsidiarity

Yet the recent acceleration of European integration (common monetary unit, enlargement process etc.) combined with the growing speed of globalisation raised real anxieties among citizens of the Union that what they perceive as their culture, in the broader meaning, may be harmed by foreign or centralised regulations. Considering these concerns, Article 151 of the Treaty adopts a very cautious approach with respect to the subsidiarity principle. Point 5 of this Article explicitly requires that the Council activities are limited to incentive measures, excluding any harmonisation of the laws and regulations of the Member Sates. It also states that the Council shall act unanimously in cultural matters. According to this principle, the European Union will have to act "as something which guarantees the existence and flowering of cultures rather than something which dilutes the European cultural identities" (CEC, 1998).

The so-called “cultural exception” was once again fiercely defended by the French presidency during the recent Intergovernmental Conference in Nice. Article 151 of the Treaty was finally left unchanged despite reasonable proposals to smoothen the present unanimity decision procedure, yet leaving untouched the present European Union areas of competencies (international cooperation and incentive measures). This context has led some authors to consider that there hardly exists a genuine cultural policy at the European level, but rather a patchwork of diverse and uncoordinated national measures and Commission initiatives. Yet such a pessimistic statement would be forgetful of two main aspects of present EU policy, namely the recent adoption of the Culture 2000 program and the integration of a cultural dimension in many EU policies.

1.2. The Culture 2000 Framework
The EU has recently adopted its first framework programme in support of culture (CEC, 1998). This program, called Culture 2000, seeks to integrate into a unified framework the different incentive measures that until then were scattered along three main incentive programmes, Kaleidoscope, Ariane and Raphael. This programme introduces the idea of a European cultural area, “which is open, varied and founded on the principle of subsidiarity, cooperation between all those involved in the cultural sector, the promotion of a legislative framework conducive to cultural activities and ensuring respect for cultural diversity, and the integration of the cultural dimension into Community policies as provided for in the Article 151(4) of the Treaty.” This idea of a common European cultural area is a way to promote the view that most cultural trends in Europe progressively gained a transnational character, while the preservation of cultural diversity and mutual knowledge are obviously very important aspects. The main objectives of the framework program are then defined as follows:

1) “promotion of cultural dialogue and of mutual knowledge of the culture and history of the European peoples;

2) promotion of creativity and the transnational dissemination of culture and the movement of artists, creators and other cultural operators and professionals and their works, with a strong emphasis on young and socially disadvantaged people and on cultural diversity;

3) the highlighting of cultural diversity and the development of new forms of cultural expression;

4) sharing and highlighting, at the European level, the common cultural heritage of European significance; disseminating know-how and promoting good practices concerning its conservation and safeguarding;

5) taking into account the role of culture in socioeconomic development;

6) the fostering of intercultural dialogue and mutual exchange between European and non-European cultures;

7) explicit recognition of culture as an economic factor and as a factor in social integration and citizenship;

8) improved access to and participation in culture in the European Union for as many citizens as possible.” (OJ, L 63/5)

Three main types of actions were proposed in support to this programme, namely limited innovative and/or experimental actions (multimedia development, cooperation between cultural and sociocultural operators for instance), significant integrated actions (mobility of artists, training for instance) and special cultural events (European Capital of Culture for instance). The programme would thus maintain a traditional orientation towards incentive measures and cooperation activities even if some research were now possible within the second type of actions (significant integrated actions). It is obviously far too soon to gauge the tangible effects of this framework programme. Still it should be considered as a first step towards a real European cultural agenda. In this perspective, the strong emphasis
placed on the cultural heritage of a European significance will probably deserve careful attention.

1.3. Culture in other European policies

It has also to be acknowledged that given its broad definition, culture is likely to be affected by a number of other EU policies. It is important to remember in this respect that point 5 of Article 151 (see above) does not affect the bases on which a number of harmonisation measures with a cultural dimension have already been, and continue to be, taken in other EU competency areas. Let’s cite amongst these, the social and human resources policy, the cohesion and regional development policy or the competition policy. Point 4 of article 151 of the Treaty thereby states that "the Community shall take cultural aspects into account in its action under other provisions of the Treaty, in particular in order to respect and promote the diversity of its cultures.” This provision was far from being impotent, since it placed culture amongst the major objectives of the Union.

A First Report on the consideration of cultural aspects in European Community action was issued by the Commission in 1996 (CEC, 1996 a). It was rapidly followed by a report more specifically addressing the impact of cohesion policies on cultural development and derived employment (CEC, 1996 b). The contribution of the Structural Funds to the preservation and the conservation of cultural heritage is indeed quite important. It may be dedicated to projects concerning historic buildings, large industrial remnants or even entire urban historical areas. Yet here again the action of the EU is mostly oriented towards incentive actions and operational projects.

But it is mostly environmental policies that will retain our attention in this regard. Interestingly, since their initial implementation in 1972, it can be observed that environmental policies have progressively involved more of a cultural heritage dimension, be it through incentive measures (LIFE program for instance) or through the scope of their directives and guidance. As soon as one considers the environment as modified by the interaction between men and nature, it is quite obvious that nearly all our present ecosystems are characterised by a strong cultural stance. This has led to a progressive extension of the definition of environment, which now includes a human and cultural dimension besides the traditional ones.

2.0. Environmental information

Given the subsidiarity principle, access to information soon appeared as an appropriate area of action for the Community with regard to environmental policies. It was indeed considered that an improved access by the public to environmental information might contribute to an increase in public awareness and thereby democratic control of environmental matters. Furthermore the disparities between the laws in the Member States concerning access to information on the environment could create inequality within the Community with regard to conditions of competition.
The Community thereby adopted in 1990 a Directive on freedom of access to information on the environment. This directive was quite limited in its scope, but explicitly foresaw a critical review of its own achievements four years after its transposition in the different states. This review led to the identification of various limitations, and the signature of the Aarhus Convention under auspices of UN-ECE. Following this, the Commission has prepared a revised directive on the right to information which has now to follow the decision procedure.

It can be observed that this amendment process led to a substantial extension of the environment concept so as to embrace more human and cultural issues. It also meant important procedural aspects so as to address both passive and active information modes.

2.1. **Directive 90/313/CEE**

As already said, Directive 90/313 was quite limited in scope. It basically required that public authorities should make available any environmental information they held. An important aspect of this Directive was that any refusal to grant access to information was to be justified by the relevant authority and that the possible motives for refusal were quite constrained by the Directive (public security, matters under enquiry etc.). The maximum delay for reply was fixed at two months.

The notion of environmental information was restricted to (i) the state of water, air, soil, flora, land and natural sites, (ii) activities and measures likely to affect these, and activities or measures designed to protect these, including administrative measures and environmental management programmes. It did not explicitly take into account any human factor, like human health and safety. Nor did it imply the cultural heritage by any way.

Furthermore, the Directive was mostly orientated towards passive information, in that it mostly referred to the freedom of access to existing environmental information. The provision of information had still to be triggered by an explicit request. Very little was said about the regular provision of information related to the state of environment through descriptive reports (periodicity, content, media etc.).

Despite these limitations, the Directive proved to be the starting point of a gradual public awareness about environmental issues through a greater information openness and transparency. The transposition of the Directive by the Member States was achieved by the end of 1992 without major difficulties. The main disagreements between the Commission and the Member States were related to the cost of information, the definition of “public authorities” and the interpretation of exceptions (CEC, 2000 a)\(^1\).

\(^1\) It also deserves mentioning a pending proceeding against Belgium (C-402/99) on a “technicality” of the national procedure. When transposing the Directive into national law, some Member States consider that, beyond a certain delay, the failure to reply to a request for access to environmental information should be considered as a refusal. This is related to the need, in the national legal order, to have a “decision”, even if fictitious, to enable the person making a request to have recourse to the review procedure after expiry of the deadline. The Commission considers that it is contrary to the rationale of the article 3(4) of the Directive which specifically requires that any refusal should be justified.
2.2. The Aarhus Convention

The Aarhus Convention (UN-ECE, 1998) was intended to build upon the experience gained through the application of the Directive 90/313/CEE during five years in the different Member States. Nevertheless the modifications of the Directive are so important that the Aarhus Convention can hardly be conceived as a revised version of the Directive. Actually, the Convention not only embraces access to environmental information, but also public participation in decisions on specific activities as well as public participation concerning PPPs (plans, programmes and policies) relating to the environment. As these two last aspects mostly refer to the EIA and SEA procedures, they will be discussed later on. We shall now concentrate on two important modifications introduced (or at least implied) by the Convention as regard to access to environmental information.

The notion of environmental information is largely extended. Hence, besides elements and factors/activities, the Aarhus Convention adds a third bullet considering human and cultural aspects of the environment “inasmuch they are or may be affected by the state of elements of the environment or, through these elements, by the factors, activities or measures”. Cultural sites and built structures are now explicitly acknowledged as environmental concerns.

In order to cope with the present liberalisation trend, the notion of public authorities had also to be extended so as to embrace non governmental organisations (NGO). Privatised enterprises providing public services in relation to the environment will thus also have to comply with the requirements of the Convention.

The Convention also put forward the idea of active information through the obligation of collecting and disseminating environmental information. Practically, it implies the regular publication of national State of the Environment reports at least every four years. It also implies the publication of lists/registers of available environmental information, which was not the case until now and which can greatly reduce the effective access to information. This general trend is further reflected by the phrasing of the objectives of the Convention that shifted from ensuring a “freedom of access”, as required by the Directive 90/313, to guaranteeing effective “rights of access to information” and public participation in environmental matters.

2.3. The proposed Directive

Given these new developments, a substantial revision of the existing Directive 90/313/CEE appeared mandatory (CEC, 2000 c). Due to the number of amendments proposed, the Commission proposed to replace the existing Directive rather than to amend it. A first Directive proposal has been issued by the Commission in June 2000 which has now to follow the traditional adoption procedure. The following comments are based on this proposal and should thus be considered with caution because of the provisory character of this document. It can nevertheless be considered that the revision of the directive will imply deep modifications in order to comply with the Aarhus Convention.

The proposed Directive definitively adopts a definition of the environment as enlarged by the Aarhus Convention. “The 'environmental information' shall mean any information in
written, visual, aural, electronic or any accessible form on: (...) (f) the state of human health and safety, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) to (d)."

With regard to active information, the proposed Directive tends to adapt the legislation to the so-called “electronic revolution”. “Public authorities shall make reasonable efforts to maintain environmental information held by or for them in forms or formats that are readily reproducible and accessible by computer telecommunications or by other electronic means.” Environmental information should thus be disseminated via electronic means whenever possible, in order to cut the delays and costs associated with the preparation, consultation and reproduction of the documents. The Commission also considers that such a proactive approach contributes to raise public awareness in environmental matters.

This idea of active information truly appears as a valuable contribution to a greater environmental awareness, transparency and debate. Yet the regular publication of state-of-the-environment reports is unfortunately limited to the national state levels. With regard to the other decision-making levels, the Directive only presents an indicative list of information that shall be provided. Furthermore it can be argued whether environmental information, as defined by the Directive, will really foster more pro-active decision-making since it mostly covers existing effects, factors or discharges. It means that this model of active information still assumes an ex post decision-making, through recourses, protest or any form of reaction against existing environmental nuisances. Environmental Impact Assessment, however, may be a way to reverse this trend as it basically tends to reverse the “burden of the proof” (as has already been the case for quite a long time in other industrial sectors such as the pharmaceutical industry for instance). In this approach, it is up to the developer to demonstrate ex ante that its scheme is not excessively harmful for the environment in its broader meaning. This way of shifting responsibilities for producing scientific, technical and environmental evidence towards the applicant appears to be an efficient way of applying the precautionary principle (CEC, 2000 a).

3.0. Environmental Impact Assessment

The requirement to assess the impact of new developments upon the environment was introduced in USA as long ago as 1969 by the National Environment Policy Act (NEPA). It then progressively spread throughout the world in various forms and under different denominations. Following this, a first European directive 85/337/EEC established, in 1985, a first European-wide framework for environmental impact assessment. One of its major aims was to reduce the existing disparities between Member States with regard to environmental protection. It was, in the early eighties, considered that such disparities might constitute a bias towards competition and thereby “affect the functioning of the common market”. The directive 85/337/EEC has since been transposed in national law by the different Member States. Some twelve years later it had to be amended by directive 97/11/EC. Some of the modifications introduced by the new directive will be discussed further on, but it can already be said that it extended the range of projects to be submitted to
an EIA. It is also intended to correct the identified lack of consistency in the Member States’ implementation of the 85/337/EEC directive.

Yet the EIA procedure, as defined by the European directive, stays very open and flexible. It is left to the Member States and the stakeholders themselves to give flesh to this general framework, although there is, hopefully, a growing literature about the practical application of the procedure. Given the extent and the complexity of the subject, one can broadly distinguish between two main approaches under this respect. A first approach consists of dealing with the impact assessment as a decision-making process. It basically details and compares the different methodologies (checklists, scenarios, multi-criteria analysis) available at specific stages of this process. Glasson et al. (1994) offered a very comprehensive reference of this kind. A second approach is more thematic and basically concentrates on some specific topics of assessment. As such it tends to be more substantive than the previous one, even if the procedural nature of the assessment keeps being identified as a crucial aspect. The different themes that can be covered usually range from water protection to noise, flora and social impact analysis. Morris and Therivel (1995) once gathered a representative sample of such thematic references which, interestingly, included a chapter on landscape (Goodey, 1995) and another one on archaeological and other cultural and material assets (Bourdillon et al., 1995).

Still it has to be noticed that cultural heritage issues are not extensively covered by any of the existing EIA references, even though the EIA directive gives provision to identify, describe and assess in an appropriate manner the direct and indirect effects of a private or public particular project on factors including “landscape, material assets and cultural heritage”. Such heritage concerns should possibly lead to specific EIA issues, both in terms of decision-making process (irreversibility, lack of prior knowledge) and assessment content (identification, value, incommensurability etc.), even though, at present, decisions in this domain are often based on the sole visual criteria. The present chapter basically aims at reviewing the different activities associated with an impact assessment process, while attempting at a first identification of the urban heritage specificities in this respect.

The EIA process can be broken up in a certain number of activities. These are the screening (which are the projects to be considered for an EIA?), the scoping (which are the environmental issues to consider in the EIA?), the establishment of alternatives to be considered and the baseline conditions (reference situation over time), the preparation of the Environmental Impact Statement (the document produced by the developer describing the predicted impacts upon the environment), the reviewing of the Environmental Impact Statement (EIS) and the further monitoring and feed-back. It needs to be mentioned that these steps are rather theoretical since the practice of EIA is always characterised by constant interactions between all these interwoven activities. It is quite natural for instance that the reviewing process would influence the redaction of the Environmental Impact Statement.

3.1. Screening
The aim of screening is to determine whether or not a particular project requires an EIA. Given the burden of achieving a full EIA, it is clear that the projects with few or no likely
environmental impact should be rapidly screened out and allowed to proceed with the normal planning permission procedure. To this end a sound screening will not only need to consider the proposed development, but also the characteristics of the environment itself and the potential adverse impacts of the development. The 85/337/EEC Directive introduced a list of projects for which an EIA is always mandatory (Annex I) and a list of projects (Annex II) for which Member States shall determine the need for EIA through either (i) a case-by-case examination, (ii) thresholds / criteria, or (iii) a combination of the two methods. Urban development projects and infrastructure projects are typical examples of Annex II projects, where additional information is required during the screening stage.

In practice, the directive allows for various approaches concerning the precise screening method, the threshold values and their legal status. The screening guide produced by the Commission (CEC, 1995) only provides non-mandatory guidance on the screening stage to developers and the competent authorities. This explains the considerable differences in the interpretation of the Annex II requirements among the Member States. Some of them held the opinion that not all Annex II projects needed to be screened to determine the need for an EIA (although the European Commission were of the opinion that this did not meet the obligations imposed by the Directive) and some others like the Netherlands, made it a requirement to screen all Annex II projects using thresholds to determine whether they should be subject to an EIA (CEC, 1997 b). However, even with the approach adopted by the Netherlands, the European Commission were unhappy that a threshold set in relation to a specific flood defence project was too low and exempted all such project; the European Court agreed with the Commission (ENDS, 1997).

The advantage of fixed thresholds is that it improves the predictability, easiness and rapidity of the screening stage. On the other hand, they may lead to an artificial proliferation of projects lying just below the thresholds. Thresholds also prove quite hard to modify once set and accepted by the different stakeholders. On the other hand, case-by-case examination allows for more flexibility and can evolve more rapidly. But it makes the screening more complex and harder to justify as it unavoidably rely on a certain level of discretionary decision-making. As a conclusion, both these methods require additional criteria in order to improve their accountability. The system set up in the UK to implement the Directive as amended (by Directive 97/11/EC) is quite interesting in this regard as it combines thresholds and case-by-case examination. The “Annex I thresholds” determine projects for which an EIA is always required. On the other hand, “Exclusive thresholds” determine projects for which an EIA should always be ruled out. Between those two types of thresholds, there is a zone which requires a case-by-case consideration for EIA, with some “Indicative criteria”, provided for guidance only (DETR, 1997).
The 97/11/EC Council Directive, amending the 85/337/EEC Directive, increased the number of project categories listed in Annex I and II and, above all, introduced more formal screening requirements. For projects listed in Annex II, including urban development projects, and for both case-by-case examination and threshold/criteria methods, Member States have now to take into account a selection of criteria set out in the Annex III. Those criteria involve characteristics and location of projects, and characteristics of the potential impact. Among the project location’s criteria, we now find “... (e) areas classified or protected under Member States’ legislation”, referring to Member States’ designated areas like some urban historical areas, but also “... (g) densely populated areas, and (h) landscapes of historical, cultural or archaeological significance”. Among the characteristics of the impact, we find the reversibility of the impact, and that may prove to be a crucial factor as long as heritage is involved.
Heritage, as considered by the directive, may cover tangible or intangible resources. Also, it is not restricted to official designations, like listed buildings, conservation areas etc. These elements are surely to be taken into consideration wherever they exist, but the screening process may lead to consider potential impacts on resources that are not, or not yet, identified by government registries. At least it would be entirely compliant with the existing directive, and especially its Annex III, that basically tend to foster an open and reasoned attitude as regard with the screening criteria. Such flexibility would also be justified by the basic nature of some piece of heritage, like archaeological vestiges, that may be discovered or have their presence verified quite late, possibly during the course of the project. And good practice would require the screening to identify potential archaeological implications at the earliest possible stage of the assessment (Bond and Evans, 1996). Also it has to be considered that the cultural heritage definition itself, and thereafter its eventual designation, is in constant evolution. That is to say that any appraisal of what constitutes “significant heritage” should ultimately refer to cultural groups and cultural values. Otherwise it may lead to strong controversies about the accountability of the screening process. The EIA directive and present EU guidance documents say nothing about the methods for facilitating and improving participation and consultation other than the usual requirements for publicity.

The practical application of the Annex III criteria will certainly be more precisely defined in the next EU guidance under preparation, possibly through case study analyses, but these will remain general documents (ERM, 2000 a). It will leave considerable room for the development of more specific screening methods for specific project types in the cultural heritage sector, as it is already been the case for other issues like health impact analysis (Sadler, 1998).

### 3.2. Alternatives and Baseline conditions

The consideration of alternatives in the EIA is usually considered as an efficient way to demonstrate that the developer has jointly considered the development project aspects and the environmental damage aspects as soon as the earliest steps of the decision-making process. In this perspective, an early collaboration between the different stakeholders may be of use to rapidly identify appropriate alternatives as well as possible mitigation measures to be considered. Ideally the EIS should provide the competent authority with a framework to make objective comparisons and form their opinion on these alternatives. Yet it has to be acknowledged that the valuation of alternatives often proves to be a tricky exercise as it needs to identify and take into consideration various impacts and the differences between them.

The 97/11/EC Directive tends to foster the consideration of various alternatives during the EIA process, but whether this is a mandatory requirement is currently disputed and may have to be clarified by the European Court. The information to be supplied by the developer will now have to include “an outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental effects”, when the 85/337/EEC Directive only required so “where appropriate”. The issue is whether it is acceptable to ignore alternatives, thereby not having anything to “outline” in
the EIS. The definition and evaluation of alternatives is an obligatory requirement in most of the Member States since implementation of the 1997 amendments to the Directive, Some countries, like Denmark, also impose the consideration of the “no-project” alternative (CEC, 1997 b) in line with the “scoping guide” of the Commission (CEC, 1996 c).

It should be possible to derive a great number of alternatives to any given project, according to location, site layout, size and scale, working conditions, expected life cycle etc. In practice it is often observed that location is the most commonly studied alternative (Glasson et al., 1994), although when the project is dealing with cultural heritage the location is not so relevant. The alternatives should rather address the basic nature of the project, in terms of precautionary measures, construction phasing, integration and respect for the historical authenticity, reversibility of the interventions etc. And there is indeed quite a long tradition of heritage charters and documents paving the way towards ways of deriving alternatives, usually much subtler than simply playing on the location.

Also the “no-project” alternative probably deserves a special mention once it is agreed that heritage resources are permanently threatened by obsolescence and decay, which is not always the case for natural resources (Tiesdell et al., 1996). Obsolescence occurs for physical reasons (deterioration), functional reasons (not suited to present uses) or locational reasons (disruption of an accessibility advantage). This is especially true for what is usually termed “minor heritage” or “accompanying structures”, often composed of mundane urban constructions, repetitive pattern etc. Obsolescence may be further accentuated by three main factors: image deterioration (e.g., social dereliction), inappropriate legal barriers (e.g., safety standards) or financial “brakes” (e.g., taxes). Attempts to revitalize historic urban quarters must address and/or remedy obsolescence and extend the economic life of the historic building stock, taking care that excessive and restrictive preservation and conservation controls may constrain, inhibit or even deter rehabilitation and new development.

This last point basically refers to the establishment of the so-called baseline conditions, namely the anticipated evolution of the environment in the absence of the project. This baseline knowledge is an essential element for impact prediction, as it constitutes the reference along which to measure the environmental performance of a project. Still the survey methodology, the visualisation of information as well as the assessment of baseline cultural heritage quality obviously raises technical, conceptual and “political” difficulties. The InterSAVE method (1997), developed by the Danish Ministry of Environment and Energy in order to organise the survey of architectural and urban values in the environment, should certainly be considered as a most valuable reference in this regard. Still it should be completed so as to better consider the time dimension, possibly by integrating heritage life cycles.

3.3. Scoping

The aim of scoping is to identify potential impact issues and appropriate alternatives to be covered by the detailed EIA studies. It is usually based on discussions with outside organisations: local authorities, government bodies, interest groups, local communities, etc. By identifying the information (and its form) to be provided and gathered by the developer
in the EIS (Environmental Impact Statement or EIA report), the scoping tends to stimulate the production of a higher quality impact assessment. It is thereby considered that a good EIS should tend to focus on the relevant environmental issues rather than to seek to be very broad in scope. It has also been shown that where scoping is employed from the start of the EIA process and is carried out jointly by the developer and competent authority, greater cooperation has been achieved and delays have been reduced (Land Use Consultants, 1996).

The 85/337/EEC Directive introduced a formal but non-mandatory scoping. A “Scoping guide” was produced by the European Commission to provide non-mandatory guidance to the developers and competent authorities (CEC, 1996 c). This “Scoping guide” provides check-lists of projects and environmental components to help identify the potential impacts of a proposed project. In the environmental components, we find “visibility/views”, “Archaeological, historic and cultural (e.g. architectural) resources – features, sites, landscapes” and “Landscape resources”. The “Scoping guide” also tends to promote an early consultation with the competent authority, the national, regional and local government organisations responsible for “environmental protection, nature conservation, heritage, landscape protection, land use, spatial planning,...”, the local authorities and elected representatives, the local community representatives and residents’ groups and the research institutes, universities or other centres of expertise.

Unfortunately, the 85/337/EEC Directive itself lacked precise requirements and there are important variations among Member States, mainly concerning the mandatory character of scoping and the people involved in the scoping. Some Member States don’t even have formal procedures for scoping. In the United Kingdom, where scoping is just recommended, developers consulted with competent authority before preparing an EIS in only about half of all cases in the early days of EIA regulations (Fuller, 1992). More recently, research indicates that the importance of scoping is well recognised and developers now consult with competent authorities in 90% of cases, even though there is no requirement to do so (Jones, 1999). However, despite this improvement, it is also reported that voluntary and public groups usually feel that their scoping suggestions are often overlooked by the developers / consultants (Jones et al., 1998).

It has to be underlined that, whilst there were genuine efforts to promote a more formal scoping stage in the new directive, the provisions for scoping to be mandatory were not carried forward in the final document. The 97/11/EC Directive amending the 85/337/EEC Directive only requires that “if requested by the developer”, the competent authority must provide an opinion on the scope of the EIA. Concerning cultural heritage, the Annex IV of the 97/11/EC Directive specifies that the information supplied by the developer in the EIS shall include, inter alia, “a description of the aspects of the environment likely to be significantly affected by the proposed project, including (...), material assets, including architectural and archaeological heritage, landscape and the inter-relationship between the above factors”.

The Canadian Environmental Assessment Act (1995) is slightly more explicit as regards the scoping of heritage assessment. The provided guidance basically states that cultural heritage resources should be examined from a wide perspective, and that the scoping should not only consider the material assets, but also their broader context whose significance may
be greater than one of its individual components. “Context includes the environment, both past and present, of which the cultural heritage resource is an integral part. It also includes its association and relationship to other cultural heritage resources. A cultural heritage resource may not appear significant on its own but when historical and physical context, thematic representativeness, information content such as richness, cultural and ethnic significance, are considered great insight into the value of the resource may be provided. These elements when included into a description of heritage character for the resource can provide important information to decision makers.” (CEAA, 1996) The guidance also indicates that scoping is basically intended to reach a consensus amongst team members and the different stakeholders about the cultural heritage resources, located on- and off-site, that could be affected by the project. As such, its boundaries are to be kept quite flexible and open, so as to allow for consideration of elements located at some distance of the core project.

It is worthy of mention that such issues are reportedly a very frequent subject of dissatisfaction of local authorities and stakeholders with regard to the results of the Environmental Impact Assessments. To give an idea, Jones et al. (1998) reported that landscape and visual issues together with the ecology were, by far, the impacts for which further information tended to be requested most often, in order to correct the outcomes of the studies (UK survey). These results strongly advocate for a better scoping in this domain.

3.4. The Environmental Impact Statement

The environmental impact statement reports the measurement of the environmental impact of a given project and its alternatives according to a pre-established scoping. Although many EIS tend to minimize the importance of prediction at the expense of descriptive studies, Annex IV of the 97/11/EC Directive appears very ambitious in this regard as it specifies that the information supplied by the developer in the EIS does include “a description of the likely significant effects on the environment, including secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects”. The European Commission have gone some way to providing assistance in this respect with their “Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions” (Walker & Johnston, 1999).

Still it may be of use to distinguish between impact prediction and impact evaluation at this point. The impact prediction consists of identifying the anticipated modifications of the existing environment once a project is achieved. This activity may rely on a number of techniques, ranging from physical models to architectural images, passing by field surveys. Yet it has to be acknowledged that impact prediction would always ultimately refer to some objective phenomena, that should be measurable once the project is achieved, even when it proves quite hard to predict beforehand as it is the case for social impacts for instance. By contrast, impact evaluation implies more subjective categories of judgement as it aims to determine the significance of the predicted impacts. It may indeed be the case that an important modification of the environment would simply be neglected with regard to its limited scope in time or space. To quote from Glasson et al. (1994), “Criteria for significance include the magnitude and likelihood of the impact and its spatial and temporal
extent, the likely degree of the affected environment’s recovery, the value of the affected environment, the level of public concern, and political repercussions.” Among the criteria for significance, listed in the Annex III of the 97/11/EC Directive, we find characteristics of the potential impact including “the extent, magnitude, complexity, probability, duration, frequency and reversibility of the impact”.

Sound though it may seem, such an evaluation may be far from trivial when real projects are at stake, and especially when cultural heritage issues are involved. If the impact of pollution on stone deterioration is more and more clearly identified, through dose-response factors for instance, there is still a considerable uncertainty towards the likely effects of other types of physical alterations upon the long-term conservation of the built environment. Important research efforts are indeed needed, and undertaken, in this respect\(^2\). In the meantime, any impact prediction technique should leave room for the management of uncertainty and risk through sensitivity analyses. All the more as, the new EC directive not only requires the identification and measurement of individual impacts, but also the cumulative and secondary impacts of given projects (cf. supra). Hence, heritage protection cannot be isolated from its context, and cultural issues should be tackled along with their economic, social and environmental dimensions, in the longer-term perspective.

Finally, it has once again to be stressed that the assessment of impact significance towards cultural heritage does basically involve value judgements. Otherwise it would certainly be impossible to balance positive and negative effects, and decide on which irreversible alterations, may they be to a project or simply the natural decay, should be considered as acceptable or not. Thus, impact evaluation should really be considered as a social construction, and involve a larger audience than the sole consultants in charge of drafting the EIS. Quoting from Goodey (1995):

“one cannot assume a distance decay of interest or concern as the viewer recedes from a site. Age, gender, activity patterns, family grouping education, holiday preferences and inherited traditions with regard to places unseen (such as images of an unvisited “home” area) will require consideration. However, although it should never be presumed that “people will get used to it”, major features such as power-station cooling towers can be recognized positively as place markers, evidence of new technology, or as attractive design by some, while remaining offensive intrusions to others. The impact of visual intrusions will often depend on the viewer’s commitment to, and time spent within, a given landscape.”

This is to say that cultural heritage eventually raises specific difficulties within the EIA process. Not surprisingly Jones et al (1998) showed that landscape and visual issues were the impacts for which additional information tended to be requested most often once the EIS was completed. Yet this does not demonstrate that cultural heritage, whose scope is broader than landscape or visual aspects, would be simply ignored or systematically underdeveloped in all present EIS reports. Further material, based on field survey analyses, should be gathered in order to gain a better knowledge about this.

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\(^2\) Please refer to CEC (2000 d) for extensive information about past EU research dealing with the interaction of cultural heritage and environmental issues.
3.5. Quality review

The quality review consists in a critical evaluation of the submitted environmental information, usually in the form of an EIS, for its completeness and suitability as a basis for decision making. It may lead to a decision that additional information, studies or measurements are required. It is an important aspect of an EIA, for the whole process would be more or less meaningless if it did not integrate some review mechanism. According to Tomlinson (1989) effective review criteria should allow competent authority to:

- ensure that all relevant information has been analysed and presented,
- assess the validity and accuracy of information contained in EIS,
- quickly become familiar with the proposed project and consider whether additional information is needed,
- assess the significance of the project’s environmental effects,
- evaluate the need for mitigation and monitoring environmental impacts, and
- advise on whether a project should be allowed to proceed.

Neither 85/337/EEC Directive nor the 97/11/EC Directive provide formal requirements for a independent review of the quality of an EIS before it is used for decision making. Only some Member States have established such formal requirements, but most reviews take place at the decision-making process stage by the competent authority (CEC, 1997 b). The European Commission produced a “Review check-list” for guidance on reviewing (CEC, 1994). Although not based on the already existing “Lee and Colley review package”, that once proposed a simple hierarchical structure to valuate the quality of an EIS in the UK (Lee and Colley, 1990), the Commission review checklist was produced by an environmental consultancy company (ERM) and the work was primarily carried out by Raymond Colley – the same author as for the Lee & Colley package in widespread use in the UK. This kind of checklist may be also useful to developers or EIA consultants to help prepare the EIS.

Yet such methods don’t usually involve the public and stakeholders in the effective review of the EIS. It is, therefore, reasonable to assume that it is doomed to fail in organising any genuine, any perhaps salutary, debate about the EIS outcomes. On the contrary, one can wonder if such checklists do not tend to hide the controversial nature of the review behind a mere procedural approach, though it is recognized that there are manifest variations in the quality and effectiveness of EIA (cf. box 1). The use of argumentation methods, and techniques issued from the sociology of controversy (mini-trial etc.) may help to open this issue and foster its public accountability.
### Box 1 - Summary of international best and worst case EA performances (Sadler, 1996)

#### Best case performance

The EA process:

- facilitates informed decision making by providing clear, well-structured, dispassionate analysis of the effects and consequences of proposed actions;
- assists the selection of alternatives, including the selection of the best practicable or most environmentally-friendly option;
- influences both project selection and policy design by screening out environmentally unsound proposals, as well as modifying feasible action;
- encompasses all relevant issues and factors, including cumulative effects, social impacts, and health risks;
- directs (not dictates) formal approvals, including the establishment of terms and conditions of implementation and follow-up;
- results in the satisfactory prediction of the adverse effects of proposed actions and their mitigation using conventional and customized techniques; and
- serves as an adaptive, organizational learning process in which the lessons experienced are fed back into policy, institutional, and project design.

#### Worst case performance

The EA process:

- is inconsistently applied to development proposals with many sectors and classes of activity omitted;
- operates as a "stand alone" process, poorly related to the project cycle and approval process and consequently is of marginal influence;
- has a non-existent or weak follow-up process, lacking surveillance and enforcement of terms and conditions, effects monitoring, etc.;
- does not consider cumulative effects or social, health and risk factors;
- makes little or no reference to the public, or consultation is perfunctory, substandard and takes no account of the specific requirements of affected groups;
- results in EA reports that are voluminous, poorly organized and descriptive technical documents;
- provides information that is unhelpful or irrelevant to decision-making;
- is inefficient, time consuming and costly in relation to the benefits delivered; and
- underestimates and insufficiently mitigates environmental impacts and loses credibility.

### 3.6. Monitoring and feedback

Monitoring consists of evaluating, once the project is achieved or during its construction stage, the effects of the development and the effectiveness of mitigation measures adopted in order to reduce or avoid adverse impacts on the environment. The EIA Directive contains no formal requirements as regard monitoring, and mostly concentrates on the period before the decision, but almost all Member States do already have formal provisions for some limited monitoring, although these may not necessarily be part of EIA regulations.

In the Wallonian region of Belgium for instance, the issuing of a permit may be linked to the imposition of conditions which take into account the environmental impact of the
project. The competent administration may take steps at any time to monitor compliance with these operating conditions.

Nevertheless there is no systematic framework for monitoring and benchmarking the EIA results at present. It is not surprising in these circumstances that EIA is so often perceived as a short-sighted sequential process with little consistency with other assessments nor progressive learning. Ideally, there should be a continuous feedback and iteration between the various steps and the experience of past EIAs should be valorised through inputs to other cases. Also, consultation and participation should be carried out at various stages including screening, scoping, and review. Consideration of alternatives should occur at the various steps to guarantee the exploratory character of the EIA approach. Finally post-evaluation and monitoring should eventually feed the screening and scoping processes and so help to constitute some form of shareable experience.

The 97/11/EC Directive solely provides for a monitoring of the EIA procedure itself through the compared review of its implementation among Member States. This basically means frequent exchanges of information between Member States and the Commission on the experience gained in applying the Directive. The experience gained in this way can facilitate the future proposals of amendments.

Based on case study findings, the entire EIA process is usually completed in under 2 years, from the first studies to the final decision making. To give an idea, the sole environmental studies would usually consume 6 to 12 months, and the preparation of an EIS would typically take 2 to 3 months (Land Use Consultants, 1996). Jones et al. (1998) mentioned even longer time frames (5 months to prepare the EIS) for the UK context. In any case, it has to be considered that the EIA is a heavy procedure, perhaps too heavy for small projects. Some Member States indeed remark that the quality of information supplied by the developer in its EIS strongly depends on the size of the projects. For small projects, there would be more deficiencies. According to this, one of the main recommendations put forward by Member States is to set up some form of “mini-EIA” for small-scale projects (CEC, 1997 b). Furthermore, it appears that material assets and cultural heritage are considered in a very few EISs. All this tends to support the idea that the EIA process, in its conventional meaning, is not entirely appropriate for small projects within urban historical areas.

It has also been identified that most important decisions were made during the initial feasibility studies and planning phase before individual development projects were defined (Land Use Consultants, 1996). Most Member States think that the introduction of strategic level assessments to cover policies, plans and programmes (PPPs) could be helpful in reducing time and money costs. Some of them mentioned that they were already moving into the direction of such a higher-level assessment.

So SEA (Strategic Environmental Assessment) may be able to offer an important contribution to the active conservation of urban historical areas. Actually, SEA would allow the definition of positive and constructive objectives and challenges for the urban historical area instead of post-evaluation of particular development proposals and reactive mitigation of their adverse impacts. SEA could allow a project-for-the-area approach, which would be
able to create enthusiasm among the local community and enhance social adherence to the subsequent decisions. SEA could lead to a framework defining the possible environmental issues for the development of the urban historical area, in which the developer would have to integrate his project. So this could lead to a more positive perception of the development projects which often have a poor image.

Furthermore, the major benefits of SEA can be the creation of a better balance between environmental, social and economic factors (thus aiding the decision-making process) and the simplification of the process of environmental investigations at the individual project level, thereby reducing or possibly avoiding the need for Project EIA while also accelerating the process of decision-making and enhancing the transparency of the plan-making process. SEA is often used by organisations as a logical extension to their existing strategic planning processes, and that increases in costs are usually regarded as marginal to the overall scale of investment in development of the respective policies, plans and programmes (Land Use Consultants, 1996).

4.0. Strategic Environmental Assessment

Strategic Environmental Assessment (SEA) basically consists of the formal extension of EIA to policies, plans and programmes. It has been defined as:

“the formalised, systematic and comprehensive process of evaluating the environmental effects of a policy, plan or programme and its alternatives, including the preparation of a written report on the findings of that evaluation, and using the findings in publicly accountable decision making.” (Therivel et al., 1992)

By the mid-nineties, practical experience with “kind of” SEA was rapidly growing at different decision-making levels in Europe (Lee and Hughes, 1995). It could also be observed that most experience was developed at the level of land-use plans, perhaps because the formulation of these plans is already iterative, relatively open to the public and geopolitically well defined (Curran et al., 1998). In this case, the basic rationale of a SEA is that once a land-use plan is adopted, it may prove very difficult to deny a planning permission to a project that conforms to the plan, even when its likely environmental impact seems significant, hence the point of assessing the effects of the land-use plan itself! The same logic applied to other types of plans and programmes would lead to further ex ante assessments, thereby achieving a better integration of environmental concerns within the decision-making process. “The more accent is laid on environmental design of the strategic action, the more iteration cycles appear to be needed in order to ensure a sound communication between environmental experts and sectoral experts. This is likely to facilitate an environmental awareness of the agency responsible for development of the strategic action.” (DHV, 1994)

These issues were to lead the European Union to prepare a directive on the assessment of the effects of plans and programmes on the environment. Early drafts of Directive 85/337/EEC applied to policies, plans, programmes and projects, but pressure from some Member States restricted the Directive to projects only (Therivel, 1993). The process to
produce a Directive dealing with more strategic decisions originally started in 1991 with a first Directive proposal issued by the Commission (CEC 1991), and is still under progress at the time of writing this report. We will now try to briefly state the key outcomes of this process, yet still provisory as they are.

4.1. The forthcoming SEA Directive background and legal context

After attempts to produce an SEA Directive came to nothing in the early nineties, the European Commission adopted in 1996 a proposal for a Council Directive on the assessment of the effects of certain plans and programmes on the environment (CEC, 1996d). This proposal differed from earlier drafts (see CEC, 1991) in that the consideration of the effects of policies was no longer required. The Commission amended this proposal in 1999 after a first reading by the parliament (CEC, 1999). This amended text would form the basis for further negotiations. The Council then reached a Common Position, formally adopted in March 2000. The European parliament as co-legislator approved, in September 2000, the Common Position, along with a number of amendments voted at its plenary session (Second Reading). The Commission formulated in October 2000 its opinion about the amendments to the Common Position voted by the European Parliament. The Council will now take position on these amendments. Considering this process, it is expected that the final Directive should be adopted by spring 2001, more than five years after the current directive proposal began its co-decision procedure and ten years since the first draft SEA Directive was proposed. The Member States will then have three years for integrating these new requirements within their national systems, either as a separate procedure or by amending existing ones.

The Common position adopted by the council states that: “The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an Environmental Assessment is carried out of certain plans and programmes likely to have significant effects on the environment”.

This statement appears as a valuable indication of the main characteristics of the directive as it is actually formulated.

First and foremost, the proposed SEA Directive does not address general policies, like national social policies, as sometimes advocated in the literature. Only plans and programmes which set the framework for future development consents of projects would thus be concerned by the Directive. By development consent, one means the decision of the competent authority which entitles the developer to proceed with a project. It was indeed considered that SEA at the policy level requires a fundamentally different approach, which needs to be investigated through additional case analysis, and should be supported by the development of specific methods.

The present document lays stress on the fact that screening is not only important to establish for which strategic actions an SEA is required, but also where in the whole decision-making process the SEA can best be introduced. The screening should ensure that
the SEA focuses on the key issues and that significant effects are assessed at the most appropriate tier of decision-making. The Common Position adopted by the Council did indeed introduce a distinction between plans and programmes that should always be submitted to an SEA and those for which some latitude is left as to whether or not they should undergo SEA, according to their likely significant environmental effects. In the latter case, Annex II of the Common Position recommends to have regard, in particular, to “the probability, duration, frequency and reversibility of the effects; the cumulative nature of the effects; ...; the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected); the value and vulnerability of the area likely to be affected due to special natural characteristics or cultural heritage, exceeded environmental quality standards or limit values, intensive land-use; the effects on the areas or landscapes which have a recognised national, Community or international protection status”.

For scoping, Annex I of the Common Position of the Council requires, inter alia, that the likely significant effects on the environment should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects (like in the EIA Directive). Additionally, these should “identified, described and evaluated in the environmental report”, instead of simply described as in the EIA Directive. The second reading of the amended proposal by the Parliament also lead to the specification that the environmental aspects to be dealt with in the environmental report should include “architectural and archaeological heritage”. The Commission in its “Commission Opinion” accepted this in principle but preferred the term “Cultural Heritage”, because this term is in line with the EIA Directive and covers more aspects. The Parliament also laid stress on the quality of the environmental report, which should be ensured by Member States. The environmental report should take into account “the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment”. More generally, the word “impact” has been dropped and changed into “effect”. This should allow the consideration of both negative AND positive effects, in order to compare the alternatives more objectively.

Concerning consultation, the Common Position of the Council specifies that Member States identify the “public”, including “relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned” and Member States designate the concerned authorities or “the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes”.

Before the adoption of the plan or programme or its submission to the legislative procedure, the draft plan or programme and the environmental report should be made available to the public and environmental concerned authorities. More precise requirements have been introduced for consultation at the screening and scoping stages. The Parliament’s Second Reading asked that the screening results be made available to the public. This amendment has been accepted partly by the Commission Opinion, which recommends that the
screening results be made available to the public only if it is decided that an Environmental Assessment is not required. At the scoping stage, the Common Position of the Council requires that “the authorities likely to be concerned by reason of their specific environmental responsibilities must be consulted about the scope and level of detail of the information to be included in the environment report”.

Alternatives assessment is also more developed than in the EIA Directive. The Common Position adopted by the Council clearly states that the environmental report must identify, describe and evaluate the likely significant effects of the plan or programme and “reasonable alternatives taking account the objectives and the geographical scope of the plan or programme”. Its Annex I also requires the following information to be included in the environmental report: “an outline of the reasons for selecting the alternatives dealt with”. The “zero-option” alternative is not explicitly mentioned, but is implicitly required by introducing the time dimension within the consideration of baseline conditions: “the environmental characteristics of areas to be significantly affected and the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plans or programmes” to be included in the environmental report.

Concerning monitoring, the SEA directive would require some description of the measures envisaged for monitoring the effects of the implementation of plans or programmes on the environment and the effectiveness of the measures decided to prevent, reduce and as fully as possible offset any significant adverse effects on the environment. If it is kept as such in the final directive, this may constitute a significant step forward when compared with previous versions of the text.

4.2. SEA as a way to foster sustainable development

One of the main goals of a SEA procedure is “to ensure that the notion of ‘sustainability’ trickles down from the highest levels of decision making down to the project level” (DHV, 1994). In this respect, the focus of the Directive was subsequently modified by the Council position in order to place greater emphasis on the sustainability principle. Promoting sustainable development is now considered as the main objective of the SEA procedure (see article 1 of the Directive). Nevertheless the effectiveness of SEA as a way to improve the sustainability of plans and programmes has still to be demonstrated. At least it would seem to raise a certain number of difficulties.

Improving the sustainability of plans and programmes indeed means to better handle the likely cumulative or synergistic effects of individual developments upon the environment, so as to eventually formulate alternative strategies. This issue proves to be very intricate because of the difficulty of handling complex “effect networks” describing the causal linkages between possible projects, the activities they could generate, and their environmental effects. In these circumstances, it is not surprising that many local authorities still fail consider the sustainability of their plans effectively, or neglect to do so, as has been highlighted by a number of recent studies (Russell, 1999; Curran et al., 1998). An understanding of what constitutes sustainable levels of activity probably needs to be developed. It would unavoidably need to manipulate a certain level of uncertainty, which
could potentially be handled by the use of anticipative scenarios, the reference to best practice or the use of social techniques like Delphi methods.

Yet the assessment quality control is probably of major importance in such a framework, but it is usually observed that the officials responsible for formulating the plan most often undertake the environmental assessment of development plans. On the one hand, this probably provides the best opportunity for the appraisal process to be as iterative as possible, which means the changes in the plan could be made according to the assessment. The SEA has also a greater chance to be implemented as part of the management of the environment. However in such circumstances, an independent review quality control function becomes obviously vital to ensure the quality and integrity of the SEA (Sadler and Fuller, 2000). Moreover, “they may find it difficult to be objective about policies which they have drawn up, in a political and corporate context that they may have a stake in maintaining.” (Therivel, 1997). Even though the analysis of the consistency of similar development options by different local authorities leads to inconsistent conclusions, this does not necessarily mean that the assessment was flawed, but it indicates that the identification of significant impacts remain a highly subjective, and possibly local, process.

An independent review would thus raise the question of public participation in the SEA process. In this regard, an improvement in the communication process is essential so as to allow the wider community to be engaged to some extent in the decision-making process. Yet this probably requires the use of advanced visual presentation techniques as the spatial dimension plays a much greater role in SEA than in EIA: possible concentration of nuisances, critical loads, trade-offs etc (Russell, 1999).

Finally, the link between SEA and EIA has to be better handled so as to ensure a real transfer of information and results between these two tiers of decision making. This issue was already identified as one of the major research topic by the Joint Research Centre of Ispra in 1997 (JRC, 1997). There is still considerable work to be done in order to better specify the appropriate transfer techniques from the plan-making level to the individual project level.

### 4.3. The World Bank experience

The European Structural Funds, and more specifically ERDF projects, should normally constitute an ideal candidate for SEA. Even if these funds are basically aimed at economic and social development, they usually also involve a strong strategic land planning dimension, may it be at a regional or at a local level. It has been observed that these programmes often make use of urban redevelopment and cultural activities as a way to enhance regional or local resources as well as economic development (CEC, 1996a). Such an integration of a strong cultural dimension in ERDF urban infrastructure projects should normally increase in the future years since point 4 of Article 151 of the Treaty now explicitly requires that the Community should take cultural aspects into account in all its actions. Accordingly the Parliament’s Second Reading of the amended SEA proposal wanted to make all future plans and programmes under the current Structural Funds and rural development Regulations or under new EC Regulations subject to SEA, but the
Commission does not seem ready to accept this amendment, at least for the current programming period (2000-2006).

By contrast, the World Bank has accumulated considerable experience in applying EA to the projects it is funding, since at least May 1984, the time of the publication of its operational Manual 2.36 that clearly stipulated that projects with severe environmental impacts would not be financed without mitigatory measures acceptable to the Bank. The *Operational Directive on Environmental Assessment* (OD 4.00, Annex A) further required an Environmental Assessment (EA) for all projects that may have significant impacts on the environment. It also recommended regional and sectoral assessments to reduce the assessment work subsequently needed on specific investment projects. In 1999, this experience was consolidated through the issuing of the Operational Policy OP 4.01 and Bank Procedure BP 4.01 that gathered and built upon several other documents (World Bank, 1999a and 1999b).

Amongst other environmental aspects, the Bank considers the conservation of important cultural heritage as an integral part of the sustainable development process: “*As the legacy from past to future generations, it is part of the concept of intergenerational equity*” (World Bank, 1994). The Bank thus assists countries in their efforts to conserve, maintain, and where feasible, enhance and restore their cultural heritage. The Environmental Assessment is thereby considered as one of the main instruments to ensure that development projects do not result in unacceptable damage to cultural heritage. The following table shows how Cultural Heritage issues can be addressed throughout the Bank’s project cycle and the corresponding EA process established by OP 4.01 and BP 4.01.
“Because impacts can occur before (through destruction of sites prior to project startup), during (by the construction itself) and after the project (due to physical changes and changes in settlement patterns), vigilance is required in all phases of project preparation and execution” (World Bank, 1994). The World Bank EA procedure presents some specific aspects, very interesting with regard to the issue of cultural heritage. They concern the use of Terms of References (TOR) at the end of the scoping stage (World Bank, 1993a) and the recommended preparation of a Consultation Framework (World Bank, 1993b).

Following screening, a field-based examination is often required to identify more precisely the range of relevant likely impacts and indicate their relative importance at the scoping stage. This examination may involve consultations with potentially affected people and relevant local organisations. The scoping will then determine the expected issues to be examined during the remaining EA work. The Bank translates the scoping results into a coherent and very innovative “terms of reference” (TORs) which consists of a schedule for undertaking the EA work. The TORs, when dealing with cultural heritage, “should be guided by the nature of the likely cultural heritage issues and explain what needs to be done under each main section of the EA report”. The formulation of the TOR may require the services of specialists (archaeologists, conservation architects, etc) and various types of investigations such as documentary research or locational surveys. Although the borrower has the responsibility for carrying out the Environmental Assessment, the Bank play a review and follow-up role to ensure that the assessment has been adequately prepared. One
of the Bank’s roles is thus to review the quality of the EA report, according to the initial scoping, by taking into consideration the commonly agreed Terms of Reference (TORs).

The experience of the World Bank has showed a strong link between project sustainability and effective public consultation. Public consultation can help clarify misconceptions and enhance social acceptability, but it needs to be fully integrated into the EA process and begin early enough to influence each key stage of the decision-making process. Participation throughout identification of the alternatives that will be considered, as well as during their evaluation and comparison, also helps to build consensus for the preferred alternative. Consensus-building is particularly important in operations like integrated conservation and controversial development projects that depend on stakeholders for successful implementation. One of the best ways to counter the “Not In My BackYard” (NIMBY) reaction is to conduct an analysis of alternatives that is perceived as transparent, balanced, and responsive to stakeholder views.

Interestingly, the Bank still considers that consultation also involves real costs and risks. There is never a complete control of the consultation process. The Bank lays stress on the fact that conducting a truly objective evaluation of the “no-action” alternative for instance requires extra care, since various interest groups have historically used it to support for and against projects. Environmental groups that favour preservation over development, for instance, have used it to highlight the negative impacts while downplaying project benefits. The EA responsible has thus to assess the costs and risks of consultation, weigh them against immediate and long-term benefits, and ensure that the balance is positive. In this context, the Bank considers that a clear agreement on “the rules of the game”, at the start of the consultation process, is very useful by encouraging respect and trust among the participants. It thus advises, during scoping, the establishment of an innovative recognised “Consultation Framework” for the EA process. This framework defines the what, when, who, where and how of the consultation process.

5.0. Urban historical areas active conservation

Arguably the conservation of the urban setting and the surrounding of monuments were already addressed by the Charter of Athens (1931) and the Charter of Venice (1964). Yet it was not until the Amsterdam charter (1975) that the urban fabric was to be definitively acknowledged as a potential piece of heritage for its intrinsic qualities at a European level. More important a genuine conservation of the built heritage once appeared as impossible without a much better integration into urban planning policies. In this perspective, the Amsterdam Charter strongly called for “integrated conservation” policies as a way to resolve the seeming contradiction between built heritage conservation and a continued urban development. This declaration of principle would lead to the adoption of the Granada convention (1985) by the members of the Council of Europe. By contrast with the Amsterdam Charter, the Granada convention contains statutory measures to be adopted by the signing parties, amongst which the requirement to adopt integrated conservation policies (article 10). Practically it means “to include the protection of the architectural heritage as an essential town and country planning objective and ensure that this
requirement is taken into account at all stages both in the drawing up of development plans and in the procedures for authorizing work.”

This objective was then fostered by all posterior documents. It naturally finds its place in the Krakow Charter currently under preparation. Interestingly, the Krakow Charter should also include the notion of sustainable development into its aims (article 11). Still the consideration of built heritage in the planning process is nothing really new. The definition of protection areas around monuments dates from 1913 in France. But it has to be acknowledged that the existing approaches, largely based on the designation of urban areas as a way to foster the conservation of built heritage, have singularly demonstrated their limitations.

5.1. Area-based conservation policies

While the first wave of conservation policies mostly concentrated on the preservation of listed monuments and individual buildings, structures and other artefacts, a second wave of policies focused on groups of buildings, townscapes and the spaces between buildings. It was acknowledged that the initial preservation policies were significantly limited in effect. A particular concern was the damage caused by inappropriate development close to the heritage buildings which could not be left to the sole discretion of individual designers, regardless of their excellence and respect for the existing context. Another reason for an extension of the built heritage concept was to be found in the cultural value of urban artefacts like an urban pattern, a specific waterfront, an outstanding built environment silhouette, the plan of the plots — namely a series of elements whose distinctive character could not be conserved through the preservation of buildings in isolation.

This movement was to lead to the progressive emergence, during the 60ies, of area-based conservation policies throughout Europe. Examples of this trend can be found in the Secteurs Sauvegardés as defined by the Loi Malraux (1962), the Monumentenwet in Netherlands, the conservation areas in United-Kingdom or the Piani Particolareggiati per i Centri Storici in Italy.

Even if area-based conservation policies have probably gained a true European status through their wide dissemination, there remains significant variations about their practical implementation. In some countries (France, Italy, Spain), all heritage protection is the subject of a special legislation, with a specific machinery for its implementation and supervision. In others (Denmark, Sweden, Finland), the area-based conservation is basically provided by ordinary town planning law, which is the basic tool, whether or not it is combined with legal machinery for heritage protection (Council of Europe, 1996).

Some countries, like France, have even set up distinct legal instruments to achieve an area-based conservation. As these instruments are supposed to work complementarily, this experience is quite revealing of the various objectives that can be pursued by such policies. In France, the protection areas are mostly defined to protect the surroundings of a listed building. These protection areas clearly remain monument oriented, in that they are defined as the visibility field of the buildings within a range of 500 meters. Needless to say that in dense urban contexts, there can be large overlaps between these visibility areas. The
“Secteur Sauvegardé” is a measure devised to conserve large urban areas, like the historical center of Bordeaux, in a very precise way. This policy clearly targets the urban environment as such, and tend to conserve its fabric, open spaces, views etc. The document establishing the Secteur Sauvegardé is more precise that the traditional French land-use plan (POS – Plan d’Occupation des Sols) as it is established at the 1/500 so as to detail, at the plot level, the urban control rules to be observed. The ZPPAU (Zone de Protection du Patrimoine Architectural et Urbain) is a measure intermediate between these two extremes. It is a substitute to the protection areas that can be established for an ensemble of listed buildings, through a collaboration between the Central State and the local authorities. The level of constraints is basically the one of a traditional land-use plan (POS). The design control precise the rules to be respected by the maintenance and rehabilitation of the buildings of the area.

Legally the Minister of Culture, represented by its Architectes des Bâtiments de France, has to give its formal approval prior to any development consent in these areas, may they be protection areas, ZPPAU or Secteurs Sauvegardé. This is to say that the decentralisation trend of cultural matters remains severely constrained in France, which is not the case of other countries, where the development consent procedure is entirely dealt with at the municipal level. It also means that, in France, the conservation policy still largely rely on the specific competency of one expert, trained in built heritage management, which obviously raises important questions about its individual ability to conciliate the different stakes of urban development.

It has also to be stressed that the criteria for determining which areas should be addressed by these policies vary enormously from one country to another. One usually distinguish between Britain and France under this regard, as there are some 13.110 listed monuments in France for some 510.064 protected architectural heritage items in UK (Council of Europe, 1996). Undoubtedly these figures mostly reflect strong differences in the classification systems adopted by these two countries rather than any significant quantitative gap between their respective cultural resources. This type of bias can also be found within a country, between regions. In Germany, 750.000 immovable properties have been identified as deserving protection as architectural heritage, 115.000 of which being located in the sole Bavaria. A similar regional clustering phenomena can be found in other countries. To quote from Ashworth (1991), “Amsterdam with almost 7000 state monuments is hardly twelve times as historic as Groningen with 500”. In this perspective, the author produced a very suggestive map comparing the distribution of protected building with the one of historical artefacts (figure 2).
It would thus somehow appear that it is the designation process, may it be applied to monuments or areas, that confers a historical value to objects rather than the opposite. In some way, the area-based policies tend to artificially organise the scarcity of the cultural goods. It thereby contributes to raise the environmental, social and economic pressure on these goods, while the potential heritage resource often appear much larger than what is effectively targeted. This is commonly justified by the fact that the designation process is usually associated with an important financial involvement of the public sector to maintain and protect these areas. Yet it is more and more the case that the State does no longer have the financial means to do so, given the pace of the conservation movement. Many countries are thus actively looking at a variety of mechanisms such as tax concessions, incentives and subsidies in order to encourage private investment in the repair and maintenance of buildings worthy of preservation.

Furthermore the criteria used for the delineation of these areas often remain mostly visual, in its poorest meaning of “perspectivism”. They usually fall short of targeting the complex networks of relations so often characteristic of the urban heritage and archaeological remnants.

These limitations have led us to propose developing an active conservation. It was indeed considered that there is a real danger to transform the city into "an open-air museum" if heritage areas or networks do not find new socio-economic uses. When the townscape and the street-pattern as a whole are treated as heritage, it always has implications for the functioning of the city as a whole: "Current and future land-uses, traffic circulation and,

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3 It is still important to distinguish between two methods of placing properties under protection, namely automatic protection and protection by order. Greece automatically protects the surrounding of pre-1453 monuments for instance.
not least, the demographic and social composition in such areas become involved in conservation issues" (Ashworth & Turnbridge, 1990). The aim of active conservation strategies would precisely be to achieve a better integration of urban heritage within the rest of the town so as to generate the investment, local development and citizens involvement needed to conserve it in a sustainable perspective.

### 5.2. Active conservation requirements

A preliminary analysis of the end users requirements has been established in this perspective. We thereby interviewed fourteen Walloon region experts, issued from three main fields: urban planning (at the regional and decentralised level), cultural heritage (mostly coming from the administration) and environmental assessment (administration of environment and EIA consultants). The urban planning experts have been labelled as U1 to U4, the cultural heritage experts as C1 to C4 and the environmental experts as E1 to E6.

This is not the place to analyse in full detail the results of these interviews. Another report should be dedicated to this. All the more as a specific field of expertise was still missing in this sample, namely the local authorities decision-makers, which are to play a pivotal role in any form of active conservation strategy. Still it can be observed from these interviews that the question of the heritage definition and delineation is considered as a central question by all these experts, whatever their field of expertise.

“*A new inventory of the built heritage is now under way. It tends to give better consideration to the vernacular architecture and no longer the sole monuments. Also buildings from the sixties and the seventies will be taken into consideration which was not the case until then*” (U1)

“*The heritage is more and more enlarged to immaterial aspects: it may consist in a procession, a cadastral plot or even the naming of a street*” (C3)

“*More and more ensembles, minor elements and traces of social history are considered as belonging to heritage*” (E2)

This in a way confirms the importance we have given to the questions of screening and scoping within the SUIT proposal. There may still appear some form of hiatus between the different experts as regard with the involvement of the population in the urban heritage conservation. The environmental field obviously benefits from a long and strong tradition under this regard. It often reflects in the position adopted by the environmental experts we have met.

“*One cannot neglect the non-designated elements that are considered as valuable pieces of heritage by the neighbouring population and that should be taken into consideration by the Environmental Impact Assessment... One cannot neglect or ignore the affectivity of the population for heritage in its broader meaning. All the more as the people do no longer accept such an attitude, which often lead to resorts, possibly at the European level. ”* (E1)
By contrast, heritage management has traditionally been a “matter of specialists”, to quote from one of our interviewees. And the whole history of charters is there to testify the central role claimed for trained specialists in this area.

“The cultural heritage is the whole sum of human acts that have to be protected, with an important contemplative aspect. The initial decision belongs to the politicians, through the official designation of heritage. But the decision-making would then belong to the experts as regard with its conservation.” (C1)

This reflects the fact that there is no consensual attitude as whether the public involvement has to be viewed as a thread or as a benefit for urban heritage conservation. It seems to somehow depend from the experts culture, but it may also differ from one case to another. The same could be said according to the private investment in active conservation and the more general question of the transformability of the heritage. Not surprisingly, urban planners usually view the continued transformation of heritage as a condition of its survival within the urban fabric as a whole. As a consequence, the disappearance of some pieces of heritage should be still accepted as the logic conclusion of this process, even when it proves very difficult to accept and organise:

“The time is passing and certain things have to disappear. The artificial prolongation [nb : acharnement thérapeutique] of certain monuments sometimes turns out to be really absurd, while it is not “politically acceptable” that the building should be demolished.” (U4)

The heritage experts usually share the opinion that it is important for the built heritage to find new uses, new functions. Still they deciduously support that heritage is something to be conserved for its own end. The reuse of heritage is then conceived as a mean rather than as an objective:

“The reuse of built heritage allows to conserve it.” (U3)

Obviously, these questions should be prospected further on. We basically tried to put light on the subtle demarcation lines that we noted amongst the views expressed by the different stakeholders we encountered for this preliminary study. Nonetheless it deserves to be noted that there is a general agreement around the idea that urban heritage keeps being threatened by present urban development, even though it is more and more legally protected. The question of an adequate methodology, possibly backed by environmental motives, would thus appear as a real chance in this perspective.
6.0. Glossary of terms

**Abstraction**
The level of abstraction in SEA is tantamount to the amount of
detail in formulation of options and in prediction of impacts (the
less detail, the more uncertainties). (DHV, 1994)

**Adaptation**
Modifying a place for compatible use. It is acceptable where the
adaptation does not substantially detract from its cultural
significance and may be essential if a site is to be economically
viable. (The World Bank, 1994)

**Aggregation**
Arrangement of environmental parameters in groups for easy
interpretation; for example to put noise nuisance and safety risk
together as “impacts for residents”. (DHV, 1994)

**Amenities**
Potentially affected environmental interests which cannot be
measured in terms of money. (DHV, 1994)

**Anthropogenic**
Generated and maintained, or at least strongly influenced, by human
activities. (Morris and Therivel, 1995)

**Baseline conditions**
 a) A description of those aspects of the physical, biological and
social environments which could be affected by a proposed
projects, plans, programmes or policies. The description must be
take account of the dynamic nature of the environment and
communities and should not be simply a snapshot in time.

 b) The environment is not a static entity; it changes due to natural
processes and human activities. Thus, in EA, it is important to
consider, explicitly, the “moving” baseline. An attempt should be
made to identify the most significant causes of current
environmental change and to project their effects into the future.
(World Bank, 1996)

**Biodiversity**
A comprehensive term for the degree of nature’s variety including
the number and frequency of ecosystems, species and genes in a
given assemblage; it can refer to global, regional or local systems.
(Morris and Therivel, 1995)

**Buffer zones**
Vegetated strips of land that are intended to screen ecosystems from
impacts such as pollution or disturbance, and/or to reduce the area
restrictions of protected sites; can be located (a) adjacent to
developments or components of these, usually with the aim of
filtering out pollutants, (b) around protected sites, with aims such as
providing additional habitat for some animals, protecting the site
from pollutants and disturbance, and perhaps encouraging
expansion through species dispersal, or (c) within sites, usually with
the aim or permitting their use for both amenity purposes and conservation. (Morris and Therivel, 1995)

**Capacity**
The traffic flows that a road or junction can accommodate; used as a starting point for the design of roads and junctions, but does not specify ultimate traffic flows; discussed in various DOT documents. (Morris and Therivel, 1995)

**Conservation areas**
They may be large or small, from whole town centres to squares, terraces and smaller groups of buildings. They will often be centred on listed buildings, but not always. Pleasant groups of other buildings, open spaces, trees, an historic street pattern, a village green or features of historic and archaeological interest may also contribute to the special character of an area. (DOE, 1987)

**Cumulative effects**
The combined effect of more than one action or project. (DHV, 1994)

**Designated areas**
In the cultural heritage domain, it refers to “Conservation areas” (UK); ZPPAUP and “Secteurs sauvegardés” (FR); “Piani Particolareggiati per i Centri Storici” (IT); ZPU-Zones à Protéger en matière d’Urbanisme (BE); etc.

**Developer**
The applicant for authorization for a private project or the authority which initiates a project. (ERM, 2000 a)

**Development consent**
The decision of the competent authority or authorities which entitles the developer to proceed with the project. (ERM, 2000 a)

**EA Report**
Report gathering the information on the project to be provided by the developer to the competent authorities. The form and type of information and results to provide is specified by the scoping or by a Terms of Reference.

**EIS**
The EA Report to be provided by the developer to the competent authorities should constitute an Environmental Impact Statement.

**Guidance**
Non-binding strategic actions of higher governments for guidance of the actions of lower governments. (DHV, 1994)

**Habitat**
A place where an organism lives; a type of environment inhabited by particular species and/or communities; often characterized by dominant plant forms, physical characters, or a combination of these, e.g. forest, grassland, marsh and stream habitats. (Morris and Therivel, 1995)

**Listed buildings**
A listed building is one that has been included in a list compiled by central government as being of "special architectural or historic interest". A developer cannot demolish, alter or extend any listed building in a way that affects its architectural or historic character unless listed building consent has been obtained from the local...
planning authority, and listed buildings must be taken into account when local authorities undertake land-use planning decisions. (Bourdillon et al, 1995)

**Mitigation**

a) Action taken to prevent, avoid, or minimise the actual or potential adverse effects of a policy, plan, programme or project. Examples of measures include modifying proposals, using cleaner methods, landscaping etc. (Gilpin, 1995).

b) Modifications to mitigate the adverse impacts of a project can take place at any of the stages in the EA process. They can be influenced by many different factors, including consultations, guidance used, and monitoring. Continuous modifications are also part of the natural evolution of project design. (Jones et al, 1998)

c) Consultation with heritage experts is strongly advised to ensure that appropriate mitigation measures for cultural heritage resources are implemented. Although a range of measures could be deployed to mitigate impacts on cultural heritage resources, those chosen must fit the type and scope of a project. Mitigation measures must be technically and economically feasible and could include:

- Re-siting of the project to avoid sensitive areas such as significant sites or areas known to contain cultural artifacts, significant cultural landscape, etc

- Changing the project design or construction techniques and technologies to reduce effects of the project on cultural heritage resources;

- Implementing site protection such as stabilization practices, fences, monitoring, etc;

- Conducting professional rescue archaeology to salvage archaeological resources and their contextual information prior to their damage or destruction;

- Changing site maintenance practices causing damage to historic fabric, e.g. road salt on stone walls. (CEAA, 1996)

**Monitoring**

The EIA Directive contains no formal requirements as regards monitoring but most Member States have formal provisions for monitoring for certain project categories. These provisions are usually not a part of the EIA legislation, but are required by sectoral laws. (CEC, 1997 b)

**Preservation**

Maintaining the fabric of a place in its existing state and retarding deterioration. It is appropriate where the existing fabric itself constitutes evidence of specific cultural significance, or where insufficient evidence is available to allow other conservation
processes to be carried out. Preservation is limited to the protection, maintenance, and, where necessary, stabilization of the existing fabric. (The World Bank, 1994)

**Project**

“Project” means: (i) the execution of construction works or of other installations or schemes, (ii) other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.

**Public involvement**

a) The spectrum of interactions between project proponents and third parties at any stage in an EIA. The term includes information exchange, consultation and participation. (ERM, 2000 b)

b) The mechanism that a project sponsor uses to ensure that individuals, groups and organisations potentially affected by its decision are informed and given an opportunity to provide input to project planning and design. (ERM, 2000 b)

**Quality review**

Reviewing the quality and adequacy of the information submitted by developers during the EIA process, often through a Environmental Impact Statement (EIS).

**Reconstruction**

Returning a place to a known earlier state, as nearly as possible. It is distinguished by the introduction of materials (new or old) into the fabric. Reconstruction is appropriate only where a place is incomplete through damage or alteration and could not otherwise survive. Reconstruction is limited to the completion of a depleted entity and should not constitute the majority of the fabric. (The World Bank, 1994)

**Scenario**

a) Assumed autonomous development for uncertain parameters being crucial for the strategy to be formulated; for example: scenarios for population growth, demand for transport or energy, generated amounts of waste, specific circumstances to be found at project sites, etc. The strategic action may only react and anticipate to these developments and be flexible in its response; an often assumed scenario is the “worst case”: the scenario which would entail the worst credible environmental impact. (DHV, 1994)

b) A deliberately planned sequence of events, part of or influenced by, the strategic action. (DHV, 1994)

c) Scenarios for the strategic action not being seriously contemplated, but used for reference of the environmental impacts, for instance the “zero-option” alternative. (DHV, 1994)

**Scoping**

a) Selecting environmental issues that really matter at the level of abstraction of the action at stake. (DHV, 1994)
b) Scoping the activity with the objective to establish project specifications for each Environmental Impact Statement (EIS). (Commission for EIA, the Netherlands, cited in (ERM, 2000 a))

c) Scoping provides a focus for environmental assessment by identifying key issues of concern at an early stage and ensuring that they are subject to assessment at the appropriate level. (Environment Agency, UK, cited in (ERM, 2000 a))

d) The aim of scoping is to identify the most significant environmental issues, the timing and extent of the analysis required, the sources of expertise and the gathering of data. (Department for International Development, cited in (ERM, 2000 a))

e) Scoping establishes the boundaries of environmental assessment (what elements of the project to consider and include and what environmental components are likely to be affected and how far removed those components are from the project) and focuses the assessment on the relevant issues and concerns. (Canadian Environmental Assessment Agency, cited in cited in (ERM, 2000 a))

f) Scoping determines the environmental impacts of the proposed project, brings into consideration alternative means of carrying out the project, including technical and technological alternatives, identifies the potential effects on the sustainability of resources in the project area and clarifies the mitigation measures that will be analysed in the EIA process...scoping should set realistic temporal spatial and jurisdictional boundaries for the assessment, and specify key environmental criteria to be addressed and methods to be used in the assessment. (Artic Environmental Protection Strategy, cited in (ERM, 2000 a))

**SEA**

a) The formalised, systematic and comprehensive process of evaluating the environmental effects of a policy, plan or programme and its alternatives, including the preparation of a written report on the findings of that evaluation, and using the findings in publicly accountable decision making. (Therivel et al., 1992)

b) SEA is the systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are fully included and appropriately addressed at the earliest stage of decision making on par with economic and social decision-making. (Sadler and Verheem, 1996)

**Sensitivity**

An area or value has some degree of sensitivity for environmental impacts; impacts of one similar action in two areas can be evaluated by the difference in sensitivity in both areas. (DHV, 1994)
Screening

a) Screening is the earliest stage of the EIA process and its aim is to decide whether a particular project of Annex II of the EIA Directive should be subject to EIA or not, through a case-by-case examination or thresholds or criteria. The relevant selection criteria set out in Annex III of the EIA Directive shall then be taken into account.

b) Identifying all conceivable environmental impacts of an action (this term is in other contexts also sometimes used for “to identify actions for which an EIA would be appropriate regarding its potential environmental impacts”). (DHV, 1994)

c) Environmental screening is intended to ensure that proposed projects are subject to the appropriate extent and type of environmental assessment. (The World Bank, 1999)

d) Environmental screening is carried out ... to identify potential environmental issues associated with a propose operation and to specify the types of environmental information required in order to assess environmental risk, liabilities, regulatory compliance, and adverse environmental impacts, and other concerns. The information required should include an analysis of the applicable legislation and standards...... Environmental screening should also identify potential environmental benefits or enhancements which could built into the operation” (European bank for Reconstruction and Development, cited in (ERM, 2000 a))

e) A project is covered by the rules on environmental impact assessment if it likely to have significant effects on the environment” (Ministry of Environment and Energy, Denmark, cited in (ERM, 2000 a))

Stakeholders

Those groups or individuals who will be directly affected by the project, plan or programme.

Terms of reference

If significant cultural heritage is thought to exist, experts should be assigned to the project team to prepare a detailed TOR for heritage-related work as part of the EA process. The TOR should be guided by the nature of the likely cultural heritage issues and explain what needs to be done under each main section of the EA report...The TOR may call for various types of investigations ... Specifications will depend on the terrain, likely types of finds, and their presume importance and condition. The TOR may also request a significance assessment and economic analysis. The time frame for cultural heritage work should be indicated in the TOR. (The World Bank, 1994)

Tiered system

System of SEAs and EIAs in the same sector on successive strategic levels. (DHV, 1994)
| **Visual amenity** | The popularity of an area, site or view, in terms of visual perception. (Morris and Therivel, 1995) |
| **Visual envelope** | The extent of visibility to and from a point of site. (Morris and Therivel, 1995) |
7.0. References


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