

Annex 11

Opinion of the Ministry of Environment pursuant to Act no. 100/2001 Sb., on the assessment of environmental impacts and amending certain related acts (the EIA Act), as amended, on the proposed strategy “Integrated Regional Operational Programme 2014–2020”.

MINISTRY OF THE ENVIRONMENT
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In Prague, on 30 June 2014
Ref. no. 45327/ENV/14

Ministry of Regional Development
Ref no. MMR-23714/2014
Annex 1

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OPINION

Ministry of the Environment

pursuant to Act no. 100/2001 Sb., on the assessment of environmental impacts
and amending certain related acts (the “EIA Act”), as amended,

on the proposed strategy “Integrated Regional Operational Programme 2014–
2020”,
version after public hearing.

Strategy promoter:

Ministry of Regional Development of the Czech Republic
Staroměstské náměstí 6 110 15 Praha I

Assessment author:

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*(SEI authorization pursuant to Act No. 100/2001 Sb., on the assessment of
environmental impacts, as amended no. 1461/ENV/09, the latest extension no.
7554/OPVI/04)*

Mgr. Simona Kosíková

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Mgr. Michal Musil

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*(MoE authorization pursuant to Section 45i of Act no. 114/1902 Sb., on nature and
landscape protection, as amended, no. 17687/ENV/07-611/630/07, latest
extension no. 2702/ENV/12-116/630/12)*

MUDr. Jaroslav Wolf, Ph.D.

(Authorized person pursuant to Act no. 258/2000 Sb., on public health protection)

Brief description of the strategy:

Integrated Regional Operational Programme for the programming period 2014–2020 (hereinafter “IROP”) is one of ten programmes, which, with the contribution of the European Social and Intervention Funds (ESIF), will be implemented in the Czech Republic in the programming period 2014–2020 (programmes for the programming period 2014–2020 were defined by Government Resolution no. 867 of 28 November 2012).

The priority of IROP is to facilitate balanced territorial development, improve public services and public administration and ensure sustainable development in municipalities, cities and regions. IROP integrates development priorities of municipalities, cities and regions and related national priorities, taking into account the nature of the requirements for thematic concentration. By linking interventions, so far implemented independently at regional and central levels, IROP allows for their optimal combination within the territory, their integration in terms of content and time, thus achieving positive synergies.

The process of assessment:

Announcement of the IROP Strategy prepared within the scope of Annex 7 to Act no. 100/2001 Sb., on the assessment of environmental impacts, as amended (the “EIA Act”), was published on 28 November 2013. Preliminary procedure conducted by the Department of environmental impact assessment and integrated prevention of the MoE was completed on 31 December 2013 by publishing a conclusion ref. no. 94085/ENV/13.

Work on the actual assessment of the effects of IROP on the environment and public health (the “assessment”) took place between October 2013 and April 2014; the proposed strategy including the assessment prepared within the scope of Annex 9 to the EIA Act was submitted to the Ministry of the Environment on 7 May 2014. The submitted assessment included all requirements in accordance with the above Annex, and therefore the draft Strategy including the assessment could be sent for publication on 9 May 2014. On 16 May 2014, the draft Strategy including the assessment was published in accordance with Section 16 of the EIA Act on the notice board of the last region concerned. Public hearing on the concept, including the assessment, took place on 9 June 2014 in the building of the Ministry of Regional Development, in the large meeting room, Senovážné nám. 6, Praha 1. Minutes of the public hearing were delivered to the Ministry of the Environment on 16 June 2014.

Brief description of the assessment:

The environmental impact assessment was carried out in accordance with the EIA Act and prepared within the scope of Annex 9 to this Act.

The assessment of IROP included evaluation pursuant to Section 45i of Act no. 314/1992 Sb., on nature and landscape protection, as amended, in terms of the impact on the Sites of Community Importance (the “SCI”) and special Conservation Areas – bird areas (the “SCA”) and the state of their conservation from these aspects pursuant to section 45b of Act no. 114/1992 Sb., on nature and

landscape protection, as amended.

Conclusions of the assessment:

Ministry of the Environment, as the competent authority in accordance with Section 21(d) of the EIA Act, based on the proposal of the Strategy including the assessment of impacts on the environment and public health, comments submitted and the public hearing, issues an:

APPROVAL

to the proposed strategy

“Integrated Regional Operational Programme 2014–2020”

version after public hearing

Subject to the following conditions:

Part A. Conditions for the approval:

1. As part of further preparation of IROP, the following proposal for measures to prevent and mitigate the potential negative impacts in terms of nature and landscape protection and public health protection will be respected and taken into account:

Concerning Specific Objective 1.1:

(a) For new buildings, the support is conditional on clearly demonstrated need. Prefer the use of existing (modernized) roads to the construction of entirely new ones.

(b) Selecting routes and design with respect to the environmental functions of the landscape and biodiversity.

(c) Apply effective mitigation and compensation measures to minimize negative impacts on nature and landscape for new and existing reconstructed roads and, where necessary, for connecting roads where the project will increase traffic.

(d) Ensure the existing legislative protection of the population against traffic noise as a prerequisite for programmes and projects.

(e) The implementation of IROP will prefer projects that will lead to routing traffic from densely populated areas (bypasses), increase the flow of road traffic and encourage alternative modes of transport to the road freight and individual passenger transport in order to reduce pollutant emissions from transport. Ensure expedite preparation of these projects.

(f) Route choice and design to be implemented with regard to the quality of air in the area. The contribution of the project to improving air quality in relevant areas to be included among the criteria for assessing the necessity of the project.

(g) During the construction of bypasses, to assess the contribution of individual projects to reducing emissions, particularly of primary particles and precursors of secondary particles in populated areas.

(h) The selection of individual projects within IROP will be in accordance with the objectives of programmes, which focus on improving air quality and which are

prepared in accordance with Act no. 201/2012 Sb., on air protection, as amended, and are part of the Medium-Term Strategy 2020 to improve air quality in Czech Republic.

(i) Compensate the effect of territorial development, in particular the connection of larger development areas, compensatory measures in regional programmes to improve air quality. Compensatory measures should be designed on the basis of a model study evaluating the target air quality in the region after a full area development in the future (expert estimation of future activities and associated emissions) and after reaching maximum traffic intensity (based on the design capacity of the planned roads).

Concerning Specific Objective 1.2:

(a) Locate multimodal terminals and a parking lots with regard to natural and landscape values.

(b) Place and build bicycle paths with considerations to nature and the landscape, considering the necessity and implementation of optimal route and the design of the bicycle path (width, surface and other parameters).

(c) Apply effective mitigation and compensation measures to minimize negative impacts on nature and landscape.

(d) Implement measures preferentially in areas with poor air quality (expressed by exceeded pollution limits).

Concerning Specific Objective 2.2:

(a) Provide assistance only in the event that the Czech Republic meets the condition of defined social housing, including sanitary and other standards of such housing.

Concerning Specific Objective 2.5:

(a) In the implementation of projects concerning the improvement of energy performance of buildings, to examine the occurrence of protected animals; in the case of positive outcome, insulated envelopes outside the nesting period.

(b) In the implementation of projects, adjust vents allowing nesting or install nesting boxes etc. (even without direct current confirmation of the presence of birds).

(c) Due to the potential increase in emissions, exclude support for projects concerning the replacement of combustion sources using liquid and gaseous fuels for combustion plants using solid fuels. In the case of combustion sources using solid fuels with a thermal power of up to 200 kW, provide support only to those that meet at least the 4th emission class, or, in the case of sufficient market availability, the 5th emission class, in accordance with ČSN EN 303-5, and in the case of combustion sources with a thermal input of more than 300 kW, provide support only to those that meet the emission limits applicable from 1 January 2018.

2. The strategy promoter will ensure the overall coordination of the monitoring of impacts of IROP on the environment, i.e. in particular the following steps and activities:

(a) Environmental indicators proposed⁶ under the SEA (see Chapter 9) to be integrated into the overall system of monitoring of IROP's impact on the

environment;

(b) Periodically evaluate the results of monitoring (in relation to other methods of interim evaluation during the implementation of the programme);

(c) Regularly publish monitoring results;

(d) The established environmental criteria for project selection (see Chapter 11 of the SEA) to be used as criteria for the evaluation and selection of relevant projects submitted under IROP;

(e) Ensure sufficient professional and personnel capacities for environmental area and the IROP implementation structure framework, i.e. especially for the evaluation and selection of projects.

3. The promoter of the Strategy will publish on its website the settlement of all received comments and observations, both concerning the draft Strategy as well as its evaluation.

Part B. Conditions of the approval in terms of the impacts on Natura 2000 sites:

1. The basic measure to eliminate the negative effects, which is mentioned in the PD IROP, is the application of the principle of sustainable development (Chapter 11.1). It directly specifies the obligation of applicants to prove that the project has no adverse effects on SCI and SPA by acting pursuant to the law. Compliance with this measure is an essential condition for the exclusion of significant adverse effects of IROP.

2. Furthermore, the following measures are proposed to avoid and mitigate potential negative impacts:

Road transport

(a) Prefer the use of existing (modernized) roads to the construction of new ones.

(b) New roads in SCI or SPA, only if necessity is clearly proven, in the absence of other solutions (including the transfer of part of traffic to rail), planning with regard to the occurrence and environmental requirements of the protected element and subject to statutory conditions.

(c) Consistent implementation of mitigation measures in the planning, implementation and operation of roads (e.g. the choice of the ideal route and technical solutions to minimize impacts during the construction, measures for the migration of animals, accompanying greenery, elimination of invasive species, protection of the surrounding habitat and water regime, etc. according to specific situation).

(d) In the case of induced increase in traffic on other roads in SCI or SPA and in their vicinity, it is necessary to implement mitigation measures also on these roads, even though the project does not directly concern them.

Bicycle paths

(e) In SCI and SPA and in their vicinity, when planning bicycle paths it is necessary to choose a route having regard to the presence and environmental needs of protected elements. Furthermore, the design should be considered, it will often be advisable to choose a different design of the bicycle path than one with a blacktop.

Visitor infrastructure

- (f) The visitor infrastructure in SCI and SPA must be located with respect to the protected element. It should not only aim to provide the necessary services to visitors, but also their guidance on the protection of the area.
- (g) Locations that are already burdened with high visitor traffic or where visitor traffic would cause severe damage to the protected element should be targeted by projects that would ultimately lead to a significant increase in the anthropogenic burden on the area. The presentation of the natural heritage should rather focus on the less-visited locations.

Part C. Recommendations

Air

- (a) Concerning measures under the Specific Objective 2.5, exclude support for projects concerning replacement of combustion sources using liquid fuel for combustion sources using biomass due to a possible increase in emissions. In the case of biomass combustion sources with a thermal input of up to 300 kW, support only those that meet the 5th emission class in accordance with ČSN EN 303-5.

Soil and rock environment

- (b) In fulfilling Specific Objectives 1.1 and 1.2, give priority to projects concerning reconstruction and modernization without new occupation of land.

Cultural monuments

- (c) As part of the implementation of Specific Objectives 1.1 and 1.2, ensure that the selection of options and technical design of structures will be appropriate to the local context and take into account the need to prevent negative impacts on the conservation zones, cultural landscape or specific listed buildings (it can be also achieved in the normal processes of land-use planning, project preparation or EIA).
- (d) In the Specific Objectives 2.5 and 4.1 ensure in the implementation adequate methodological support for the project planning of investments, both for the applicant/investor, and for institutions of cultural heritage protection providing opinion on projects in building or other proceedings. It is important that the parties concerned have timely information about possible restrictions and permitted technical solutions, e.g. with respect to specific categories according to the degree of nature and monument protection.

Public health

- (e) In the implementation of Specific Objective 1.2, consider the economic sustainability and availability of sustainable forms of transport in terms of family budget, also looking at the social status of the population. Furthermore, ensure protection against noise.
- (f) In the Specific Objective 1.3, support technical infrastructure where projects will be supported by adequate human resources in accordance with crisis plans.
- (g) In the implementation of the Specific Objective 2.5, maintain or reduce housing prices by reducing energy costs.
- (h) Support projects within Specific Objective 4.1 in compliance with the approved national or regional strategies and use information and evaluation criteria

contained in the strategies.

Horizontal measures to improve the overall impact of IROP on the environment, public health and sustainable development.

(i) Environmental indicators proposed under the SEA to monitor the effects of implementation of IROP; for the purposes of proper monitoring of the effects of IROP implementation on all environmental components, we recommend expansion to include the following environmental indicators:

- “Reducing emissions of primary particles and secondary particle precursors (tonne/year)”
- “The degree of landscape fragmentation by implementing line projects (km²)”;

(j) Given that support for the acquisition and application of land-use development documents within the Specific Objective 3.2, which was excluded from IROP at the request of the European Commission (EC) is one of the necessary tools and documents to ensure sustainable development, we propose that the Managing Authority negotiates re-inclusion of this Specific Objective into IROP in formal negotiations with the EC.

(k) Target IROP support on tools and approaches that describe the quality of planning and local sustainable development (e.g. Local Agenda 21, local action groups, the application of sustainability indicators at the local level, etc.).

(l) Within IROP implementation, ensure compliance of individual projects with existing strategies and land-use plans at the local level.

The Ministry of Environment draws attention to the obligation of the authorizing body to act in accordance with Section 10g(4) and (5) of the EIA Act.

The Ministry of the Environment assumes that the managing bodies responsible for the implementation of this strategy will ensure maximum publicity and public awareness for each proposed measure.

The Ministry of the Environment also informs the promoter of the obligation to ensure monitoring and analysis of the impacts of the approved strategy on the environment and public health and other obligations under Section 10h of the EIA Act.

Ing. Jaroslava HONOVÁ, signed
Director of the Department of EIA and Integrated Prevention
(*seal with the Coat of Arms no. 11*)