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Direcció General d'Ordenació del Territori i Urbanisme
Departament de Territori i Sostenibilitat
Av, Josep Tarradellas, 2-6
08029 Barcelona

Subject: Urban Master Plan for the delimitation and management by the Centre Direccional de Cerdanyola del Vallès (file:. OAA20130011)

Dear madam,

In relation to the application dated 10th March 2014, I am sending you the attached resolution on the environmental report of the aforementioned Urban Master Plan, with the aim of continuing the process of the Plan.

Yours sincerely,

Sergi Cantó i Jordi

Subdirector general d'Avaluació Ambiental

General Subdirector for Environmental Assessment

Barcelona, 14th March 2014.

RESOLUTION ON THE ENVIRONMENTAL REPORT OF THE URBAN MASTER PLAN FOR DELIMITING AND MANAGEMENT BY THE CENTRE DIRECCIONAL DE CERDANYOLA DEL VALLÈS

File No: OAA20130011

Background and assessment

On 28th February 2013, the secretary for the Comissió Territorial d'Urbanisme de l'àmbit metropolità de Barcelona (the Territorial Commission for Urban Planning for the metropolitan area of Barcelona, hereinafter CTUAMB) sent l'Oficina Territorial d'Acció i Avaluació Ambiental de Barcelona (the Territorial Office of Action and Environmental Assessment for Barcelona), in accordance with the Law 6/2009 dated 28th April, the environmental assessment plans and programs, the revised Text of the Urban Planning Law and Decree 305/2006 dated 18th July, which approves the Regulation of the Urban Planning Law, the preliminary documentation of the Urban Master Plan (UMP) by the Centre Direccional de Cerdanyola del Vallès, the formulation of which was agreed to be initiated by resolution of the conseller de Territori i Sostenibilitat (the Minister for Territory and Sustainability) dated 24th December 2012, and the drafting of which was entrusted to the Secretaria de Territori i Mobilitat (the Territory and Mobility Secretary) via the INCASÒL technicians. This documentation was later transferred to the Servei de Plans i Programes de la Direcció General de Polítiques Ambientals (the Planning and Programming Service of the General Management for Environmental Policy) for processing. The content of the documentation submitted (progress of the Plan) is as follows: report, preliminary environmental sustainability report and graphic documentation.

On 30th May 2013, the subdirector general d'Avaluació Ambiental (the deputy director general for Environmental Assessment) sent the reference document of the UMP to the CTUAMB, in order to continue the process of preparing the Plan. Thus, and according to article 20 of Law 6/2009 dated 28th April, from the Environmental Assessment for Planning and Programming, a copy of the information received from the public administrations affected and for public interest was attached.

In the meeting dated 25th July 2013, the CTUAMB agreed the initial approval of the UMP, with respect to which the Planning and Programming Service issued a report on 25th November 2013, in which a number of considerations were established.

Finally, on 10th March 2014, the request for a resolution on the environmental report of the UMP for the delimitation and management by the Centre Direccional de Cerdanyola del Vallès was received by the deputy director general for Environmental Assessment. In addition to the request, was the environmental report, the drawings for distribution of the land and the **buildable surface**, and a plan of the land classification issued by the CTUAMB secretary. Additionally, the final ISA, the allegations report and the urban planning regulation for the UMP were later received by email.

The Planning and Programming Service of the General Management for Environmental Policy analysed the UMP environmental report and issued their corresponding report, in which it intends to grant the environmental report conformity taking into account the following assessments.

Concretely, a review of the procedure for the environmental assessment to which the Plan was subjected will be carried out, noting that while the alternative arrangement proposed initially has not undergone major changes, if measures have been introduced to comply with the environmental considerations conducted by the Planning and Programming Service in the reference document and in the report for the initial approval. The UMP has also officially presented new determinations, which should not have negative environmental effects of special relevance.

In general, the environmental integration of the proposal is valued positively in the documents that comprise the UMP as a whole, as well as the degree of achievement for environmental objectives set in the Plan. With respect to the considerations made in the report for the initial approval, the following changes are especially relevant:

The governed areas of the Parc de la ciència (Science Park) (PC3- 01 and 02) have reduced their land occupancy, given the creation of the railway system according to the informative study of the subsoil of the connecting parks free space (key SF/SV3) for the passing of the high-speed railway line for the sector, despite the new proposal having led to the growth of the area PC-2 located to the west of the Can Costa property (with a 30,000 m² increase in space to build).

The regulations and the plans include a new subkey system of free spaces (SV2) corresponding to the Green Corridor, in which they enhance the landscape agroforestry and keep the conditions of agricultural area without allowing the landscaping itself of the urban land.

The lands to the south west of Can Planas, classed as a facility above, as well as all the landfill are classed as a system of free spaces of interior parks (key SV4). According to article 27 of the regulations, no type of construction shall be permitted, with the exception of buildings related to its use or with the upkeep of the green areas (occupying less than 2%). The AVI NORD landfill has a new subkey system for outdoor facilities and without suitability for building (key SE2). In relation to the above, the Agència de Residus de Catalunya (ARC – The Catalan Waste Management Agency) issued a report on the initial approval on 25th October 2013, in which it made a series of recommendations and considerations which have to be taken into account. Regarding the definitive proposal, it shall be the ARC who assesses the suitability of the changes proposed in connection with the aforementioned report with respect to the possible risks of the same.

With respect to the Can Magrans stream, it maintains the proposal to order the totality of land PC4₀₁ as private land for commercial use to ensure the urban use foreseen, even though the aforementioned stream crosses it. This arrangement entails, contrary to what was prescribed by the Agència Catalana d'Aigua (ACA - the Catalan Water Agency) and the Direcció General in their respective reports on 15th and 25th November 2013, deviating and channelling the stream with a 516 m long channel. The trajectory of the channel will be classed as a public domain waterway and have a service area 5 m wide for the use intended by the RDPH (the regulation governing public domain waterways).

INCASÒL states in its report of 15th February 2014, that the definition of the solution of constructing the channel will be added to the corresponding urban planning project, pending the report by the ACA regarding flooding. INCASÒL justified the solution adopted because dividing the land into two and naturalising the stream, relocating the suitability for building, or losing much of the proposed suitability for building, would make the real estate project unviable.

Regarding this proposal and its justification, the ACA issued a new report dated 10th March 2014, in which it concludes that it is not its objective to analyse the possibilities of reorganising the land around land PC4₀₁, allowing for a north-south orientation of this, instead of the current east-west orientation, in order to environmentally preserve the course of the Can Magrans stream, as the analysis corresponds to the urban body, given the multiplicity of factors that are involved. Having made these considerations, the ACA accepts the solution adopted, accepting the channelling as sufficient from a hydraulic point of view and declaring the final hydraulic dimensions should include the review of the flooding study which will have to be presented prior to the processing of the urbanisation projects. The diversion of the stream will automatically give rise to the reclassification of the old public domain and the expropriation of the new diverted channel.

Regarding the above, and despite lacking a management proposal that safeguards the natural waterway system of the Can Magrans stream with its passage through land PC4₀₁ in agreement with the Framework Directive for Water and subsequent sectoral regulations being of mandatory compliance regarding the safeguarding of the waterway environment, as well as the lack in the two reports issued by the ACA in relation to these terms, of an analysis of the environmental effects generated by the proposal of diverting and channelling finally chosen, as well as a conclusion in this sense, it is declared that this proposal may continue its process. This according to the urbanistic justifications exposed, related to the urbanistic and real estate advantages of land PC4₀₁; the provisions in article 15.3 of Legislative Royal Decree 2/2008 dated 20th June, which approve the reinforced Text of the Land Law, according to which the report of the hydraulic administration is crucial for the content of the environmental report; the provisions in article 6.3 of Legislative Decree 305/2006 dated 18th July, which approves the regulations of the urban planning Law, according to which, with the favourable report of the hydraulic administration, the urban plan can anticipate the works necessary so the level of the final results of the urbanisation fulfil the conditions of the level of risk from flooding and finally given the admission on the part of the ACA, in its last report dated 10th March 2014, of the solution taken as sufficient from the hydraulic point of view.

On the other hand, regarding the other changes officially introduced to the new proposal, an area of concentration for flooding corresponding to 10 years (Q10) instead of the previous Q100, all the major fluvial waterways, which were previously classified as free spaces, are classified as a hydrographic system.

Montserrat I and Àrids Catalunya have a new facility classification in free spaces (key SE₅) which provides the possibility of building (5%), according to provisions of Article 62.4 of the UMP regulations. The compatibility of these uses would have to have the consent of the ARC, as explained previously.

The heights of buildings are reduced, from PB+8 to PB+4 in the areas of the front with Cerdanyola at the Gorgs torrent. The facilities in the area of the Collserola park to cover existing social allotments at the limit with the Sant Cugat stream are relocated. The facilities removed from the Can Planas landfill are located at Can Costa generating a large centre for sports facilities, according to the needs of the City Council. An new key PC3 area is proposed at the head of the axis of Science park, which increases the suitability for building and greater suitability for building in the Can Costa sector, on both sides of the road. Also, new subclasses in the system of the free spaces and facilities are generated.

Regarding the environmental follow up on the part of the UMP, the ISA forecasts monitoring the implementation of the environmental determinations spelling out a strategy in agreement with the dimensions of the Plan and taking into account other procedures open in the same area.

Fundamentals of law

Article 8.1.c) of Law 6/2009 dated 28th April, regarding environmental assessment of plans and programs, determines that urban master plans must be submitted to environmental assessment if so resolved by a prior decision. However, the developer directly requests the issuing of the reference document as foreseen in article 15.3 of said Law.

Article 14 of Law 6/2009 dated 28th April, regarding the environmental assessment of plans and programs, determines the procedure for the environmental assessment of plans and programs.

Article 86 bis and the eighteenth transitory provision of Legislative Decree 1/2010 dated 3rd August, which approves the reinforced Text of the Urban Planning Law, amended by Law 3/2012, dated 22nd February and article 115 of Decree 305/2006 dated 18th July, which approves the Regulation of the Urban Planning Law, specifying the procedure of environmental assessment of urban plans.

Article 12 of Law 6/2009 dated 28th April, states that the environmental body related to all the plans and programs subject to this Law, is the competent Administration Department of the Government in environmental matters.

Article 119 of Decree 342/2011 dated 17th May, regarding the restructuring of the Departament de Territori i Sostenibilitat (the Department of Territory and Sustainability), establishes that it corresponds to the Direcció General de Polítiques Ambientals (Directorate General of Environmental Policy) to exercise the powers that correspond to the Department as a body in environmental plans and programs.

Article 26 of Law 6/2009 dated 28th April, states that it corresponds to the competent director general in matters of environmental assessment of plans and programs to dictate the resolution which contains the express agreement regarding the environmental plans and programs report subject to environmental assessment, when the approval of these is not assigned to the Parliament, the Govern (Catalan Government) or another Minister.

I determine

1. To grant the conformity for the environmental report of the urban master plan for delimitation and management by the Centre Direccional de Cerdanyola del Vallès.
2. To remind that in the approval agreement of the plan, the following must be recorded: a specific statement taking into consideration the report on environmental sustainability and the present resolution, in accordance with article 25.7 of Law 6/2009 dated 28th April, regarding environmental assessment of plans and programs, and to comply with the other requirements of publicity as established in article 28 of said Law.
3. To indicate that this is an act of procedure which is an integral part of the substantive procedure, and, as such, is not susceptible to independent appeal. The appeal of its content shall be made through the resources which are legitimate against the act and which put an end to the administrative procedure.
4. To notify this Resolution to the Comissió Territorial d'Urbanisme de l'àmbit metropolità de Barcelona (Territorial Commission for Urban Planning for the metropolitan area of Barcelona), and to publish it on the Department of Territory and Sustainability's web (Departament de Territori i Sostenibilitat).

Barcelona, 14th March 2014

Marta Subirà i Roca
Directora general de Polítiques Ambientals (General director for Environmental Policies)