



Integrating biodiversity into environmental impact assessment

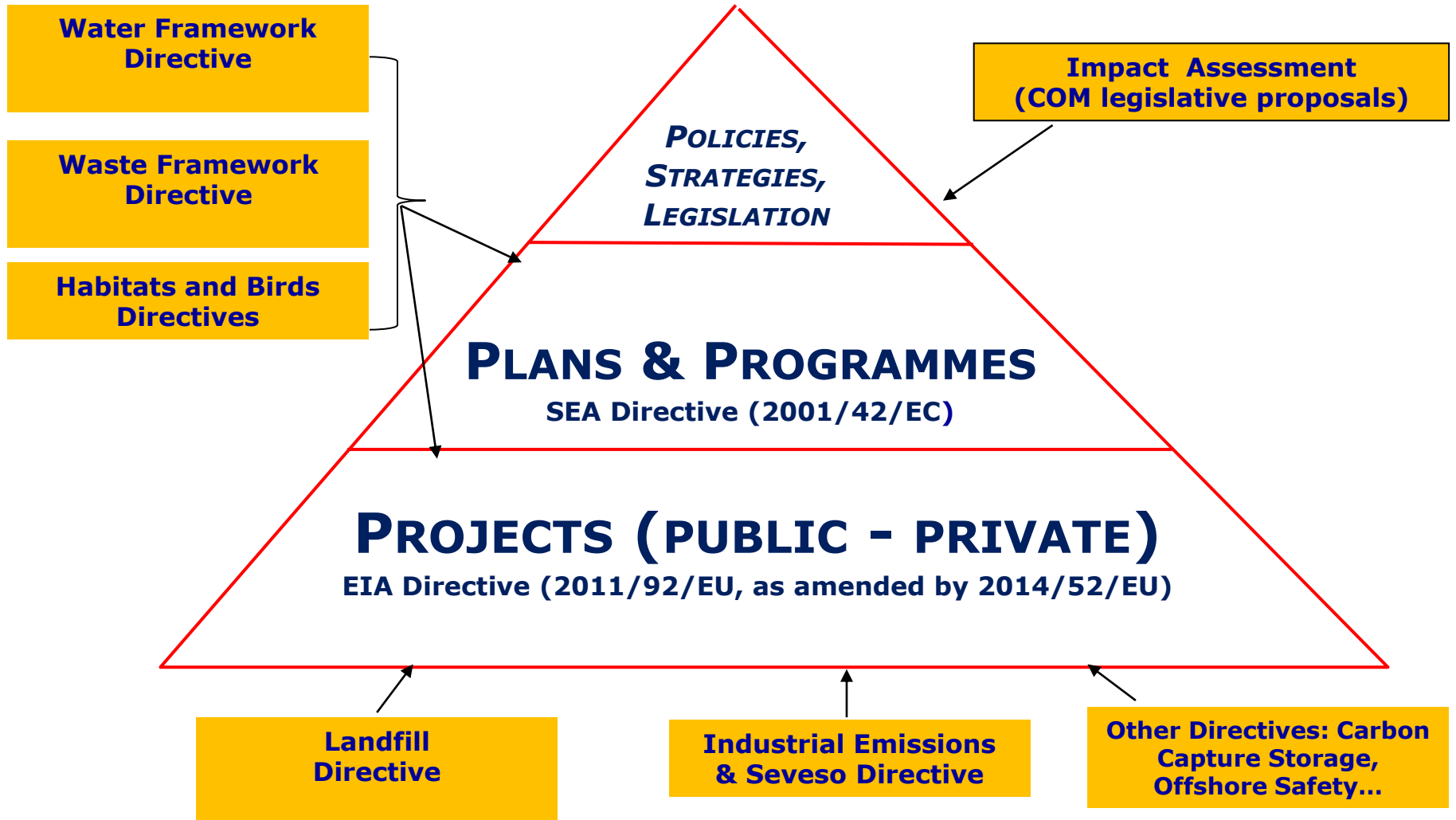
**24th Meeting of the ECT
Environmental Task Force**

24/11/2022

Iva Obretenova

**European Commission, DG Environment, Nature
Conservation Unit**

Environmental Assessments



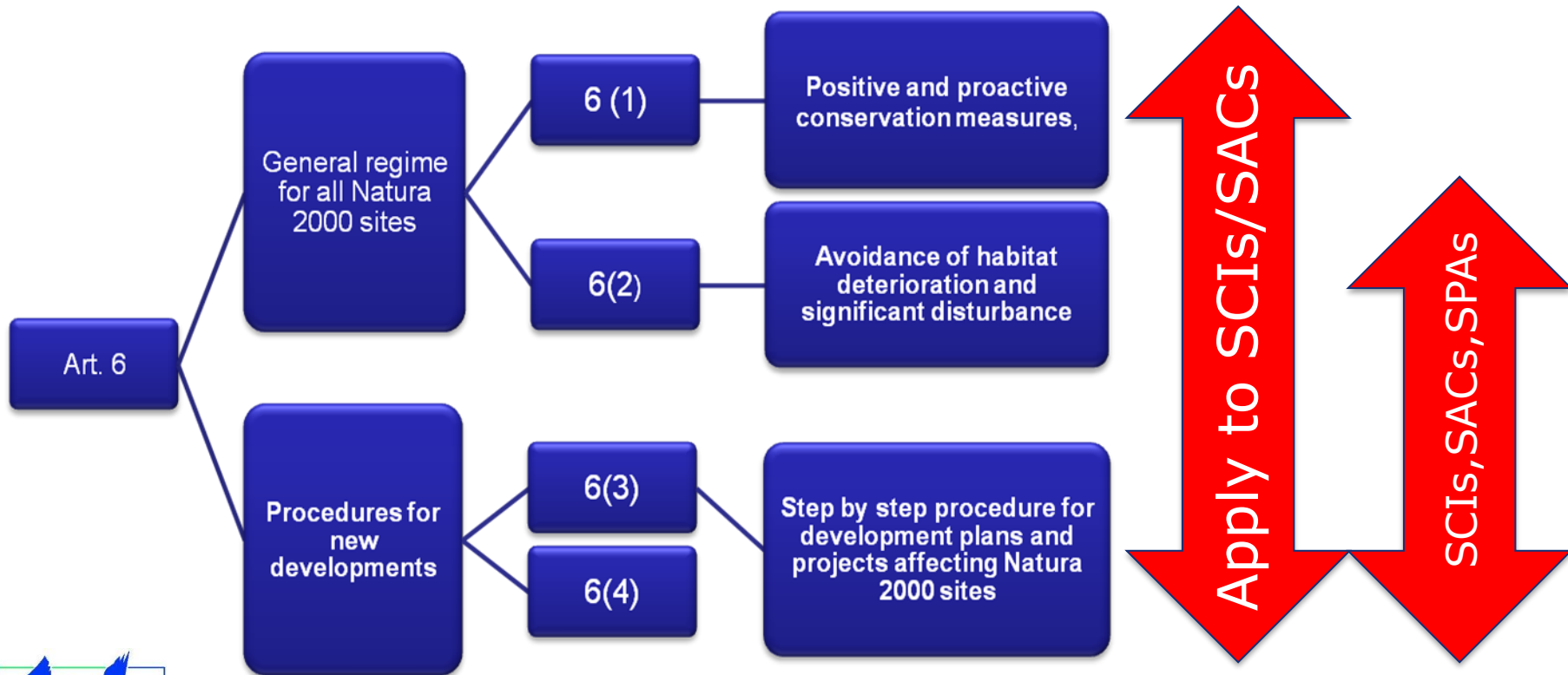
Presentation plan

- 1. Appropriate assessment (AA)**
- 2. Streamlining EIA/SEA and AA**
- 3. Specific requirements of the AA**



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Article 6 HD: protection and management of the Natura 2000 sites



Art. 6(1) HD

*„For special areas of conservation [SACs], Member States shall establish the necessary **conservation measures** involving, if need be, appropriate **management plans** specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures **which correspond to the ecological requirements** of the natural **habitat types** in Annex I and the **species** in Annex II present on the sites.”*



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Art. 6(3) HD - AA

„Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the **site’s conservation objectives.**”



Commission note on setting conservation objectives for Natura 2000 sites

- **all sites need to contribute to the favourable conservation status (FCS);**
- **this general objective has to be translated to SSCOs;**
- **SSCOs should specify targets to be achieved for each of the attributes /parameters of the interest feature which determine its conservation condition on the site.**

https://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf

Guidelines for setting conservation objectives

The conservation objectives should be:

- ***specific*** - relate to a particular interest feature (species or habitat type) and define the condition(s) required to satisfy the CO;
- ***measurable and reportable;***
- ***realistic;***
- ***consistent in approach;***
- ***comprehensive;***
- ***specific whether they aim at "restoring" or "maintaining" the attributes of the feature.***

Example for Ireland



National Parks & Wildlife Service

[National Parks](#)[Protected Sites](#)[Nature Reserves](#)[Publications](#)[Licences](#)[Maps and Data](#)[Planning](#)

[Home](#) > [Protected Sites](#) > Conservation Objectives

[> Natural Heritage Areas \(NHA\)](#)[> Special Areas of Conservation \(SAC\)](#)[> Special Protection Areas \(SPA\)](#)[> Appropriate Assessment](#)[> Designation Process](#)[> Wildfowl Sanctuaries](#)[> OSPAR Sites](#)[> Conservation Objectives](#)[> National Parks](#)[> Nature Reserves](#)

Conservation Objectives

[Special Areas of Conservation](#)[Special Protection Areas](#)

Click the site name to view the conservation objectives and other details for a site. Click the table headers to sort by site name, site code or date.

Site name	Site code	Date ▼
Carriggower Bog SAC	000716	December 2019
Blackstairs Mountains SAC	000770	November 2019
Bellacorick Iron Flush SAC	000466	November 2019
Cloonee and Inchiquin Loughs, Uragh Wood SAC	001342	November 2019
Mocorha Lough SAC	001536	October 2019
Lough Eske and Ardnamona Wood SAC	000163	September 2019
Meenaguse Scragh SAC	001880	September 2019

<https://www.npws.ie/protected-sites/conservation-management-planning/conservation-objectives>





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Durnesh Lough SAC

Site Details

Site code	000138
Designation	Special Area of Conservation (SAC)
County	Donegal
Coordinates	Latitude: 54.5728 Longitude: -8.19487



Qualifying Interests

Coastal lagoons [1150]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils
(Molinion caeruleae) [6410]

Site Documents

Download Conservation Objectives

 [CO000138.pdf](#) [5.8 MB]

Download Natura 2000 form

 [NF000138.pdf](#) [106 KB]

Download Site Synopsis

 [SY000138.pdf](#) [132 KB]





Conservation Objectives for : Durmish Lough SAC [000138]

6410 **Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)**

To restore the favourable conservation condition of *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) in Durmish Lough SAC, which is defined by the following list of attributes and targets:

Attribute	Measure	Target	Notes
Habitat area	Hectares	Area stable or increasing, subject to natural processes	<i>Molinia</i> meadows occurs in close association with other grassland habitats as well as wetland habitats including swamp and fen. The Irish semi-natural grasslands survey (ISGS) (O'Neill et al., 2013) recorded 1.02ha of this Annex I habitat at site 1249 (see map 3). Other semi-natural grassland types occur in the SAC and there may be more, as yet unmapped, areas of the Annex I habitat type present
Habitat distribution	Occurrence	No decline, subject to natural processes. See map 3 for mapped area	See note for area above
Vegetation composition: typical species	Number at a representative number of monitoring stops	At least seven positive indicator species present, including one "high quality" species as listed in O'Neill et al. (2013)	List of positive indicator species, including high quality species, identified by O'Neill et al. (2013). Note that purple moor-grass (<i>Molinia caerulea</i>) is a positive indicator species, but not necessarily an essential component of the habitat
Vegetation composition: negative indicator species	Percentage at a representative number of monitoring stops	Negative indicator species collectively not more than 20% cover, with cover by an individual species less than 10%	Attribute and target based on O'Neill et al. (2013)
Vegetation composition: non-native species	Percentage at a representative number of monitoring stops	Cover of non-native species not more than 1%	Attribute and target based on O'Neill et al. (2013)
Vegetation composition: moss species	Percentage at a representative number of monitoring stops	Hair mosses (<i>Polytrichum</i> spp.) not more than 25% cover	Attribute and target based on O'Neill et al. (2013)
Vegetation structure: woody species and bracken	Percentage at a representative number of monitoring stops	Cover of woody species and bracken (<i>Pteridium aquilinum</i>) not more than 5% cover	Attribute and target based on O'Neill et al. (2010)
Vegetation structure: broadleaf herb: grass ratio	Percentage at a representative number of monitoring stops	Broadleaf herb component of vegetation between 40 and 90%	Attribute and target based on O'Neill et al. (2013)
Vegetation structure: sward height	Percentage at a representative number of monitoring stops	At least 30% of sward between 10 and 80cm tall	Attribute and target based on O'Neill et al. (2013)
Physical structure: bare soil	Percentage at a representative number of monitoring stops	Not more than 10% bare soil	Attribute and target based on O'Neill et al. (2013)



Example for Bulgaria

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NATURA 2000

Information system for protected areas from the ecological network

Natura 2000

[Home](#)

[Protected areas](#)

[Property reference](#)

[Compatibility
assessment procedures](#)

[Documents](#)

[Links](#)

[Home](#) > [ProtectedAreas](#) > [Кресна - Илинденци](#)

Кресна - Илинденци

BG0000366

[General information](#)

[Gallery](#)

- Заповед на Министъра на околната среда и водите за обявяване на защитена зона (публикувана в Държавен вестник)
- Заповед на Министъра на околната среда и водите за изменение на заповедта за обявяване



Example for Bulgaria

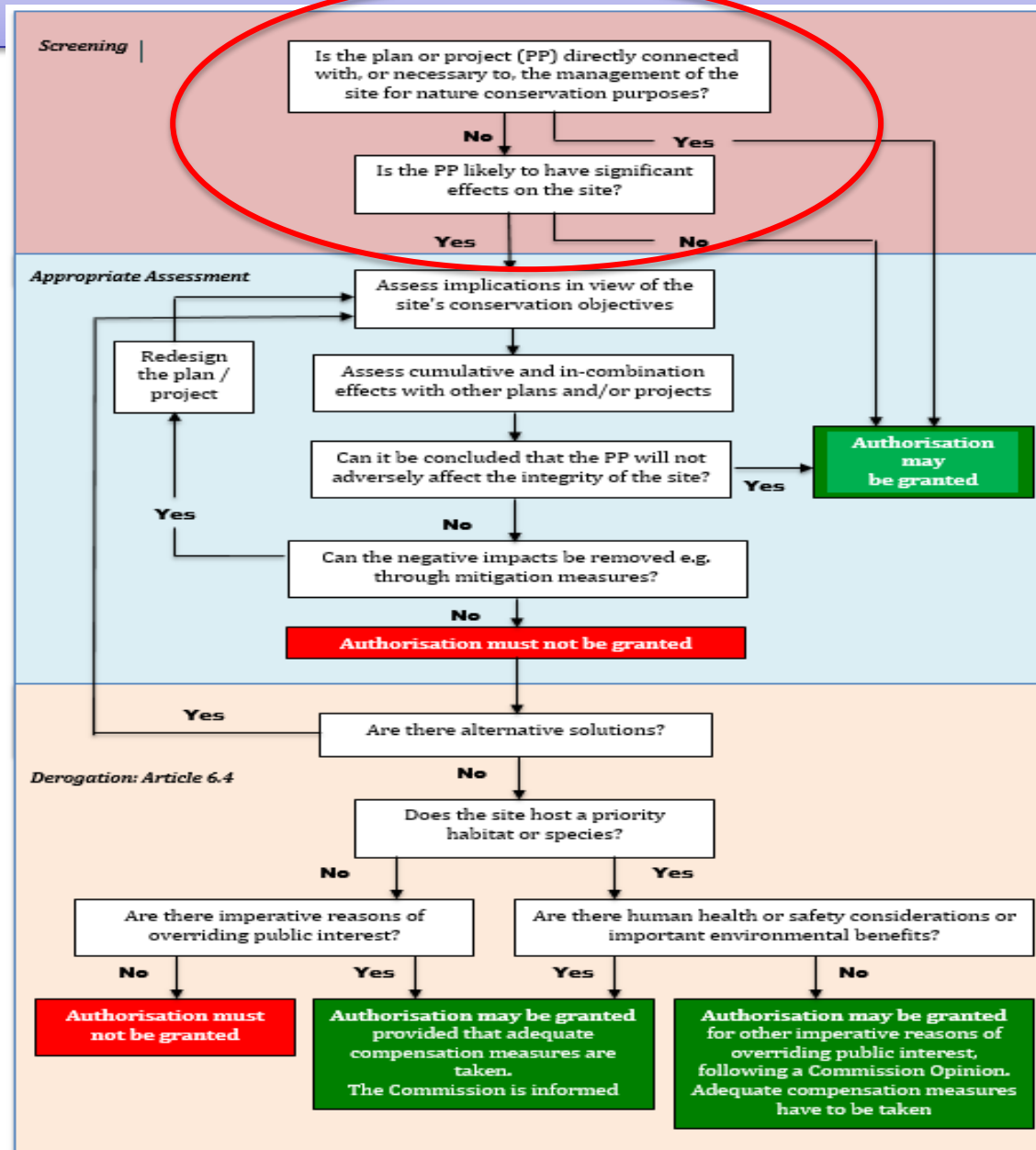
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			състоянието по този параметър. Проследяването на състоянието на природното местообитание може да бъде извършено чрез мониторинг на стратифицирана извадка от пробни площадки с площ от 64 m ² .	
Структура и функции: Присъствие на типични видове растения	Брой типични видове	Най-малко 3 вида	Според специфичният доклад за това природно местообитание в зоната има наличие на типични видове. Установено е присъствието на <i>Pinus mugo</i> , <i>Vaccinium myrtillus</i> , <i>Lerchenfeldia flexuosa</i> и др., и местообитанието е оценено в благоприятно състояние. Теренните проучвания през 2020 г. потвърждават наличието на типични видове в местообитанието. Типични за природното местообитание са следните видове: <i>Calamagrostis arundinacea</i> , <i>Carex kitaibeliana</i> , <i>Daphne oleoides</i> , <i>Lerchenfeldia flexuosa</i> , <i>Dryas octopetala</i> , <i>Festuca nigrescens</i> , <i>F. penzesii</i> , <i>F. valida</i> , <i>Gentiana punctata</i> , <i>Geum montanum</i> ,	Поддържане на присъствието на поне три от типичните видове в природното местообитание

Стр. 28 от 827



STEP 1 - Screening





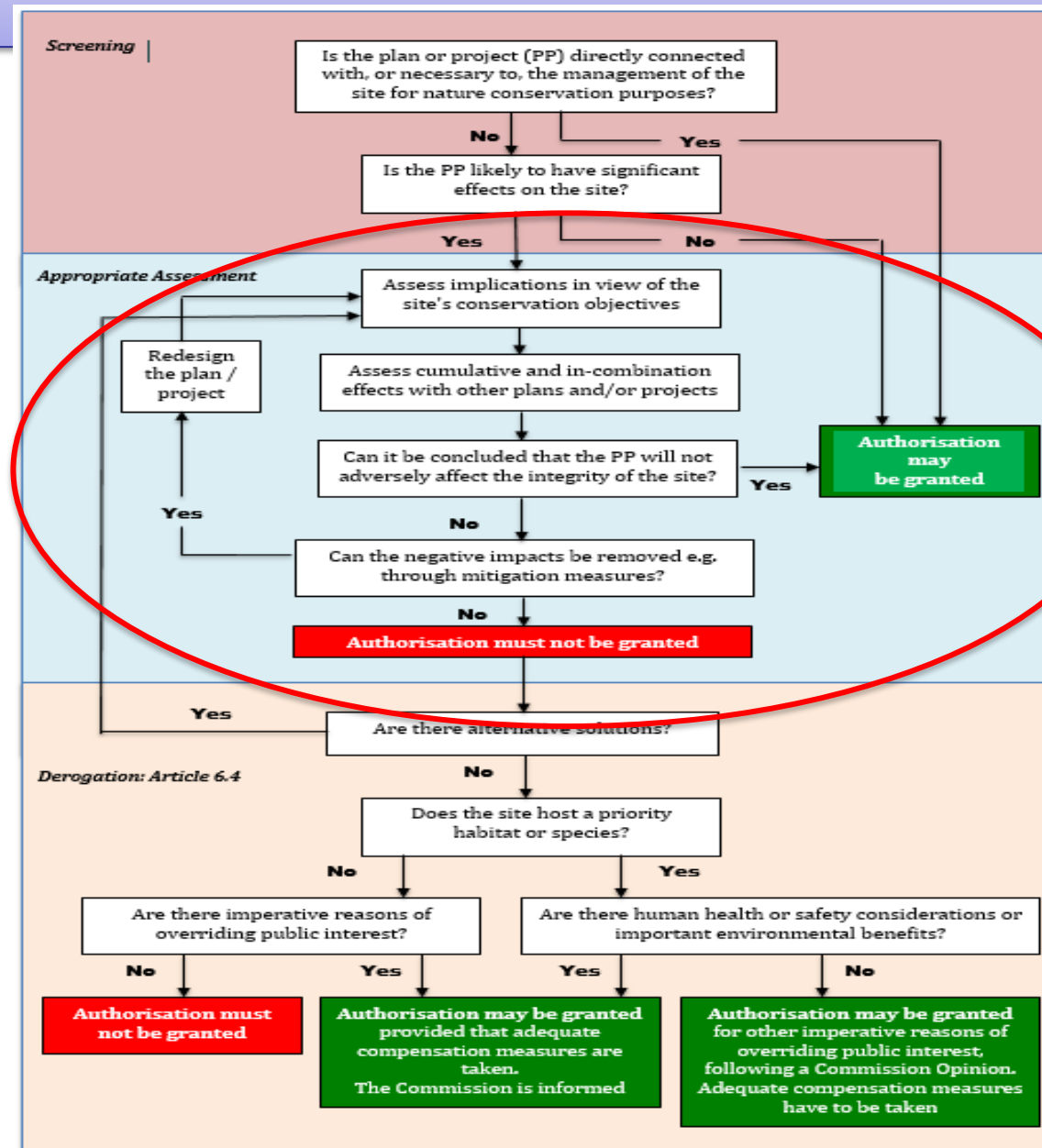
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Determining likelihood of significant effect in the context of SSCOs

- **Certainty v. likelihood;**
- **Precautionary principle – if in doubt, do the AA;**
- **Spatial scope (plan and project inside and outside Natura 2000 sites);**
- **Significant effect – no arbitrary (quantitative) definition → case by case approach;**
- **Related to specific features and ecological conditions of the protected site (link with SSCOs);**
- **Mitigation measures should not be considered.**



STEP 2 – Appropriate assessment





Appropriate assessment elements in view of the COs

- **1. Gathering information on the project and on the *Natura 2000* site concerned (scoping).**
- **2. Assessing the *implications* of the plan or project in view of *the site's conservation objectives*.**
- **3. Determining whether the plan or project can have adverse effects on the *integrity of the site*.**
- **4. Considering *mitigation measures* (including their monitoring).**



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Appropriate assessment

- Identifying impacts (field studies may be necessary)
- Direct and indirect impacts
- Life-time of the project
- Modest impacts multiplied = significant impact

Plans and projects to be considered:

- ❖ Completed, or
- ❖ approved but uncompleted, or
- ❖ actually proposed.



Integrity of the site:

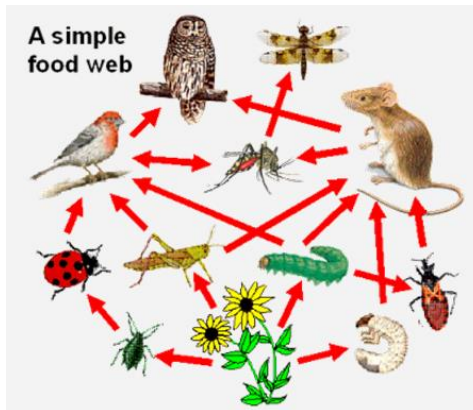
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Ecological

- structure
- function
- processes

Linked to
conservation
objectives

Site specific

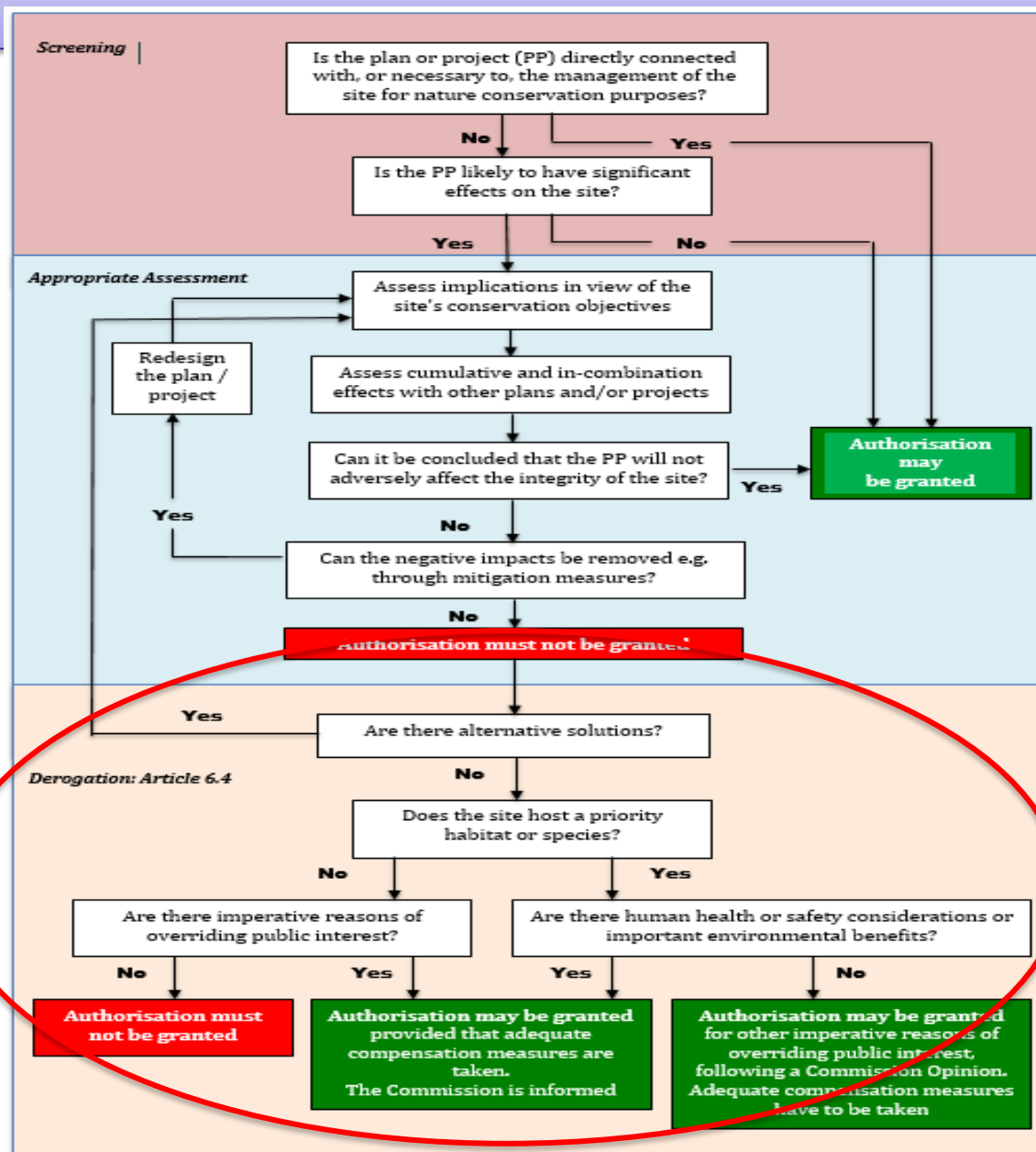


Mitigation measures

- Prevent negative effects or
- Reduce them to non-significant level
- Directly linked to the negative effects
- Must be described in sufficient detail
- Case A2 Motorway in NL (C-521/12)
– mitigation and compensation not to be confused

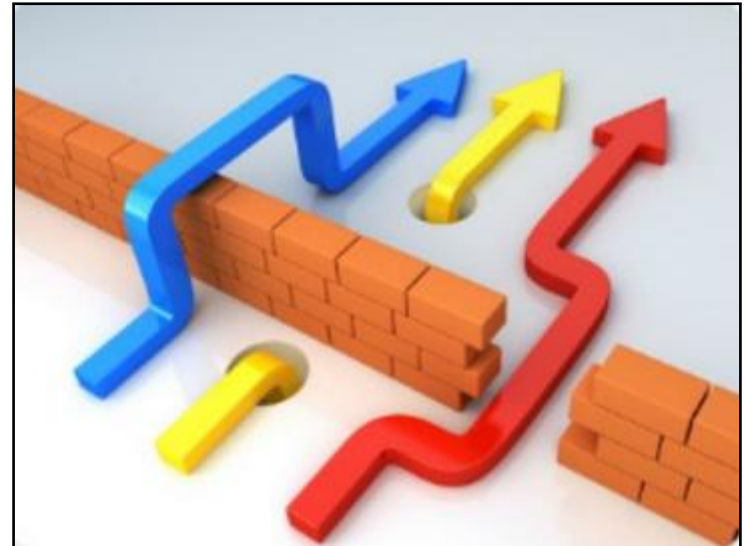


STEP 3 – Derogation



Alternative solutions and SSCOs

- feasible alternatives
- relative performance to Natura 2000 (SSCOs)
- proportionality (costs)
- alternative:
 - locations
 - scales
 - designs





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Imperative reasons of overriding public interest (IROPI)

- not defined in the Directive
- human health, public safety and beneficial consequences of primary importance for the environment
- other economic or social reasons



Compensatory measures and SSCOs

- independent of the project
- additional to normal practice
- need to address the impacts
- need to ensure overall coherence of the network
- should be in place before impact



inform



Priority habitats or species

- **justified only if concern**
 - **human health**
 - **public safety**
 - **overriding beneficial consequences for the environment**

- **other reasons subject to**



https://ec.europa.eu/environment/nature/natura2000/management/opinion_en.htm

EIA and SEA and the Appropriate Assessment

- SEA, EIA and AA procedures can be run jointly, BUT
- an SEA or an EIA cannot replace, or be a substitute for, an appropriate assessment, as neither procedure overrides the other
- AA conclusions should be distinguishable

WHY?

- AA is focused on the protection of Natura 2000 sites - areas of high biodiversity value – this requires more rigorous tests
- AA to be carried out earlier in the process
- Compensation measures – for AA can be considered only if it is demonstrated that no alternative solutions exist and that the plan/project is justified for IROPI

EIA/SEA/AA and species protection provisions of the Nature Directives

WHY?

The implementation of a plan or development/operation of a project can lead to conflicts with strict protection regime

What to do?

In the SEA/EIA/AA procedure, check if the plan or project is compatible with these strict species protection provisions by:

- 1. Identify species and their habitats to be potentially affected**
- 2. Verify their presence on the area affected by a plan/project as well as of their breeding sites or resting places**
- 3. Analyze the possible impacts and suitable mitigation measures**
- 4. If impacts are confirmed or cannot be excluded - derogations from strict species protection may be required**

BUT - derogations are only allowed in limited cases



Guidance documents!

Art. 6(3)-(4)HD



Brussels, 28.9.2021
C(2021) 6913 final

Commission notice

Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC

Species protection



Brussels, 12.10.2021
C(2021) 7301 final

Commission notice

Guidance document on the strict protection of animal species of Community interest under the Habitats Directive

https://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

https://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm



Contact:

iva.obretenova@ec.europa.eu

For more information, please consult:

http://ec.europa.eu/environment/nature/index_en.htm

<http://ec.europa.eu/environment>

