

Biodiversity and Impact Assessments

24.11.2022, Dr. Raphael Weyland



Two pillars of nature conservation

Site protection

30% of EU land / sea area

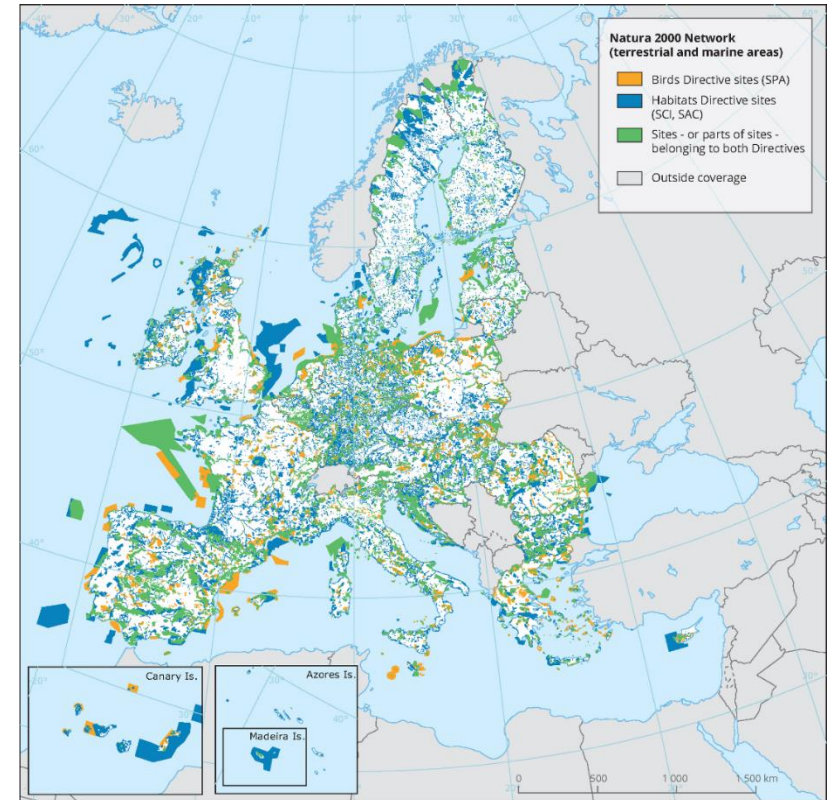
Natura 2000, etc.

Species protection

No deliberate capture/killing, disturbance

Art. 12 Habitats Directive, etc.

Besides: Address drivers, subsidies, funding



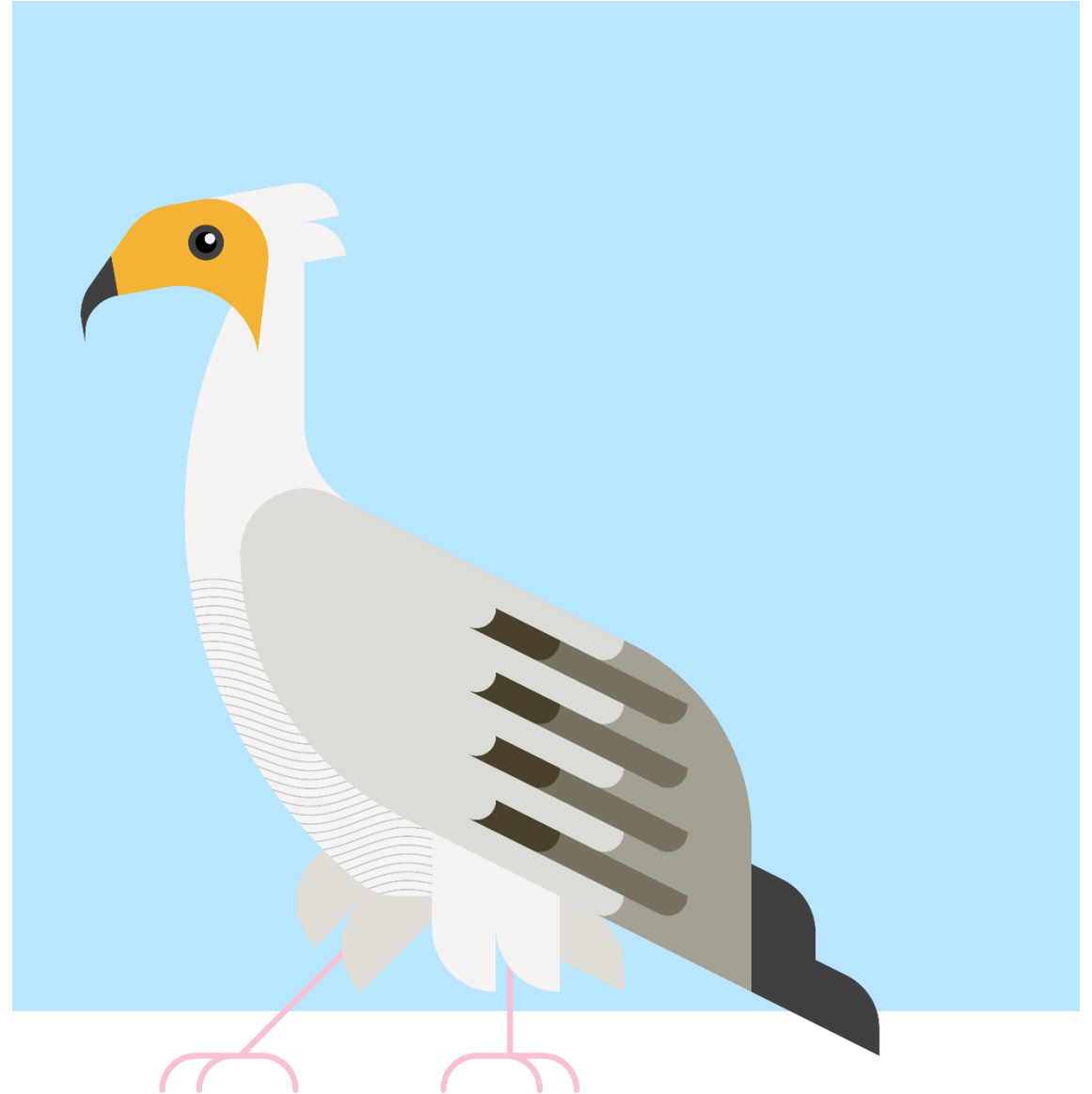
Natura 2000 Network (terrestrial and marine areas)

- Only 11% of EU's seas are protected vs 26% of land. Needs to be effectively managed: no deterioration, quantified conservation objectives, etc.
- At least 32 % of the EU's bird species are currently not in good conservation status.

Project permitting and environmental impacts

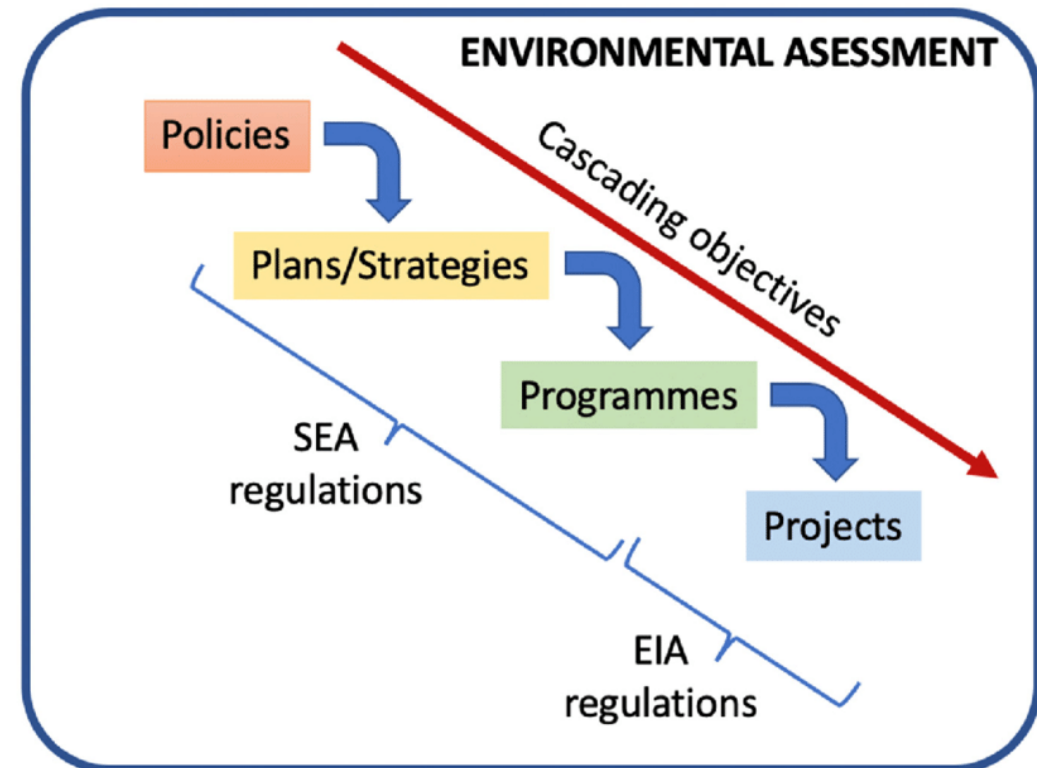
Assessments to stay informed + avoid damage: specific purpose

- (Strategic Environmental Assessment)
- Environmental Impact Assessment:
 - Purely procedural instrument
 - Covering all environmental aspects
- Appropriate Assessment (Habitats Directive):
 - Site protection specific instrument
 - Not just informative character
- Species Protection Assessment:
 - Ensure legal compliance
 - Check for derogation and mitigation



Strategic Environmental Assessment

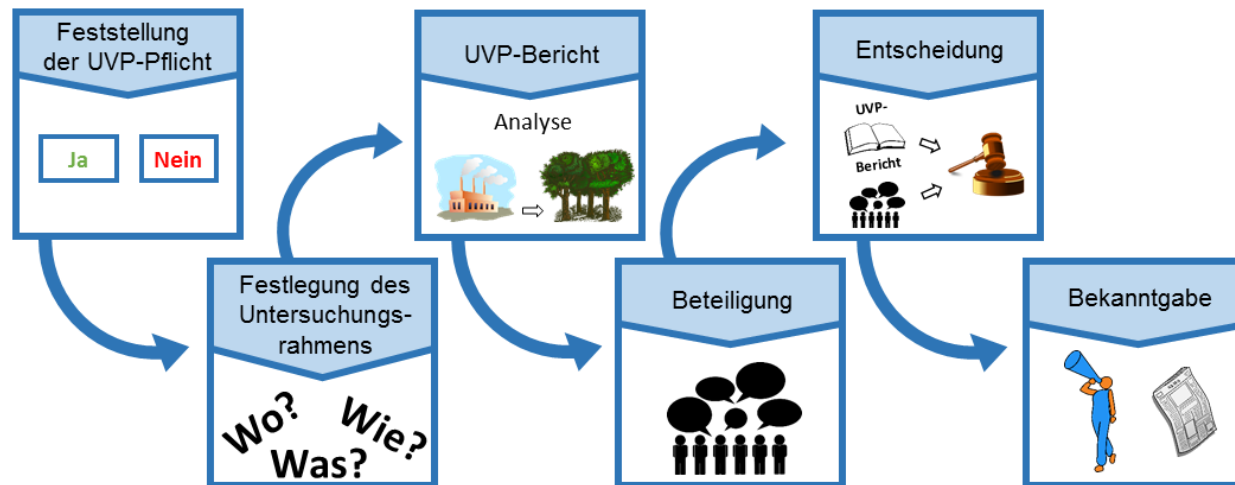
- Supplementary to EIA. There are similarities but one cannot replace the other
- Should be done prior to EIAs at the planning/program phase
- Not project specific
- An SEA is mandatory for plans/programs which are:
 - prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use and which set the framework for future development consent of projects listed in the EIA Directive.



Rodrigo-Illari et al (2020)

Environmental Impact Assessment

- Designation for mandatory EIAs (Annex I)
 - Crude oil refineries, Thermal/nuclear power station, overhead electrical power lines (voltage of 220 kV/ 15 km or more)
- Discretion of Member States (Annex II)
 - Screening procedure or case by case examination



Information EIA should supply

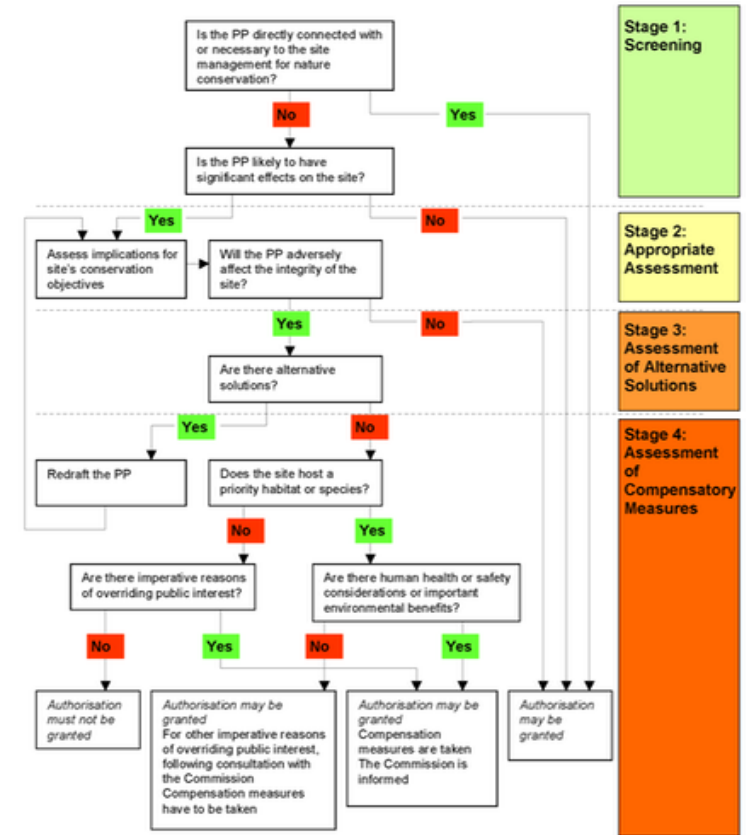
EIAs are about understanding potential issues and mitigation measures needed to be put in place

- A description of the project including physical characteristics, land-use requirements, etc.
- Outline of main alternatives studied by the developer
- Description of likely significant effects of the proposed project on the environment
- Mitigation measures

- EIA often procedure the public participation is linked to (anyhow: Aarhus Convention)
- Don't do salami slicing
- In general, lots of guidance and experience, so no inadequate burden

Appropriate Assessment

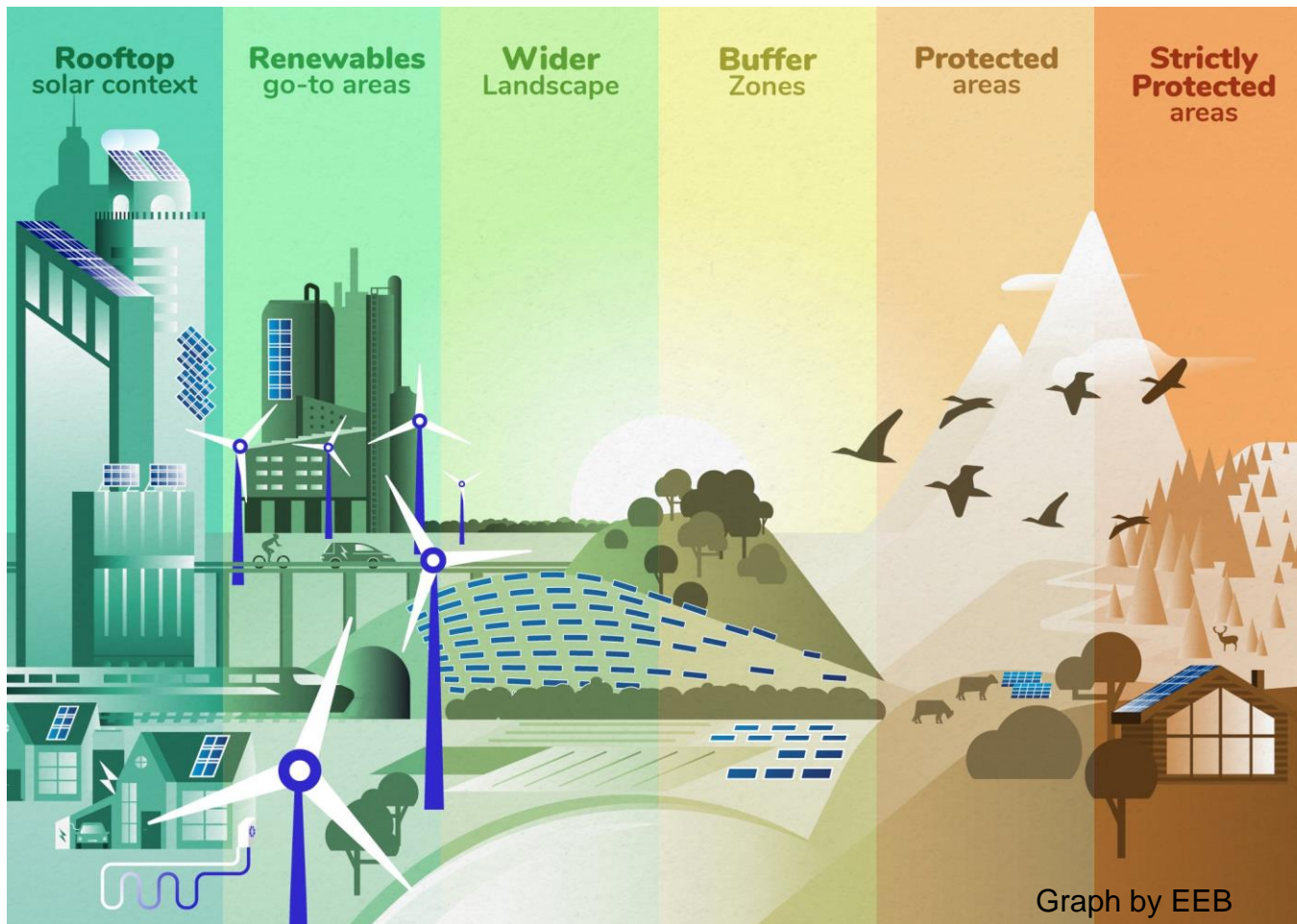
- Develop appropriate management plans
- Obligated to avoid deterioration of special areas of conservation
- Any plan/development that may have an effect on Natura 2000 site needs to undergo an appropriate assessments (AA)
 - Specific to the conservation objectives of the protected area
 - If a plan or a project is carried out MS must take all the compensatory measures necessary to ensure that the overall coherence of Natura 2000



Differences between EIA/SEA/AA

	AA	EIA	SEA
Which type of development	Any plan or project likely to have an adverse effect on a Natura 2000 site	Projects listed in Annex I. or potentially Annex II	Any Plan or Programme (a) for certain sectors which set the framework for future development consent or (b) require Art. 6 HD assessment
What impacts need to be assessed relevant to nature	Assessment in view of the site's conservation objectives (for species/habitats for which the site is designated)	Significant effects on biodiversity, with particular attention to species and habitats protected under the HD & BD Directives	Likely significant effects on the environment including on issues such as biodiversity, fauna, flora & interrelationship
Who carries out the assessment	Responsibility of the competent authority but the developer may need to provide necessary studies and information	The developer provides necessary information to be taken into account by the competent authority * Biodiversity should be taken into account in the screening process (Annex II.a, EIA amendment Directive)	Competent authority for planning
How binding are the outcomes	Binding. Agreement to the plan/project only if it will not affect the integrity of the site	The result of consultations and information must be taken into consideration in the development consent procedure	The environmental report & opinions expressed shall be taken into account during the preparation of the plan/program

The way forward: good spatial planning



- Consider climate + nature crisis jointly
- Ensure good conservation status for more permitting flexibility (e.g. through species conservation measures)
- Don't give up on assessments (EIA/AA), public participation and procedures
- Do spatial planning and SEA
- Focus projects on brownfields (go-to), foresee strict protection (no-go), then: there is room for co-existence



Thank you for listening!

Questions?

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