

JASPERS Networking Platform | 03 December 2021

Webinar on Habitats Directive

Lessons learnt during project appraisal



Why is the topic of NATURA 2000 still important?

- projects to be submitted under the 2014-2020 perspective and the 2021-2027 programming period
- several cases where the Member States are undergoing infringement process
- comments highlighting various insufficiencies in the projects' documentation – from substance to procedural, from non-critical to critical/outstanding and from lack on information to mere clarification needs

Challenges

Different levels of understanding of the **connection between projects and SSCO**

Various parties involved in the process, different expectations / priorities and **complementary responsibilities**

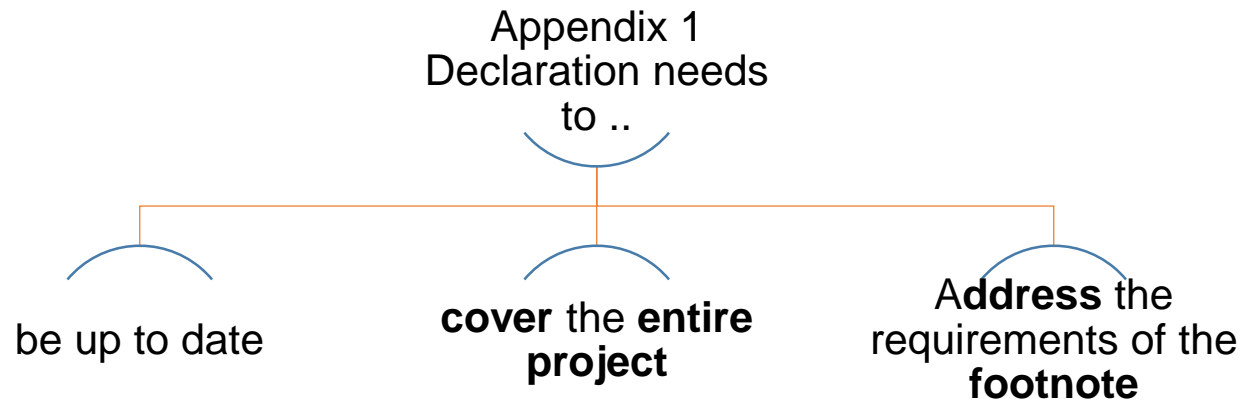
Once an issue is identified (i.e. lack of conservation objectives), the time required for resolving such issues can take **from months to years** (depending on the availability of ecological information)

Depending on national approach, some projects might already be in a very **mature stage** or even under construction, before submission.

Projects might take **5 to 10 years to mature...** in the mean time the **Network evolves** (Sites and site boundaries might change / SSCO might be set)

Key Info and Documents

- When and where an Appropriate Assessment was not necessary, an **Appendix 1 Declaration** needs to be available



Footnote requirements: name and number of the relevant site(s); distance of the project to the nearest Natura 2000 site(s); their **site-specific conservation objectives**, justification (individually or in combination with other projects); if relevant, an administrative decision.

Key Info and Documents

When and where an Appropriate Assessment was necessary

Appropriate Assessment Report/Study or Annex and the Decision of the competent authority where one should be able to find:

● —————
 the **baseline**
 situation



the **site-specific**
 conservation
 objectives
 considered



expected impacts
 (cumulative impact!)
 in the light of the
 site-specific
 conservation
 objectives, data
 sources and
 methodology used in
 the assessment



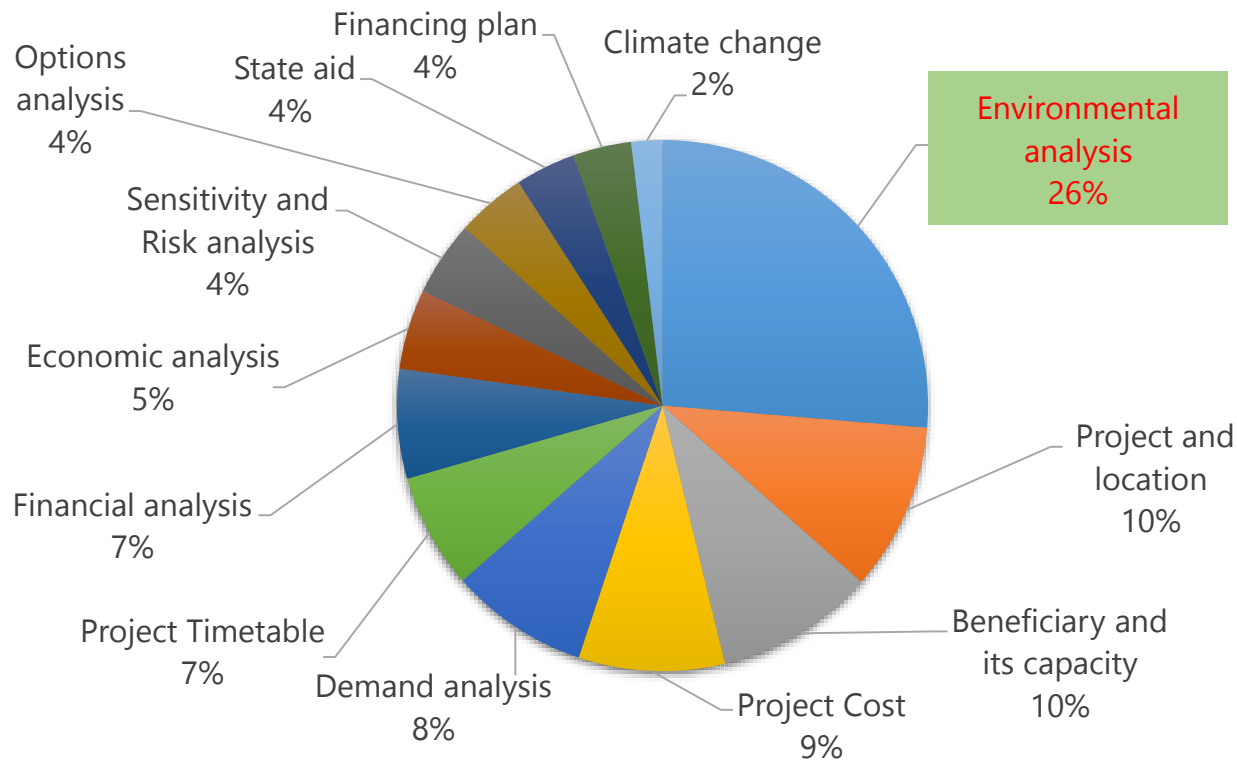
mitigation
measures, their
 effectiveness and
 monitoring and
residual impact

A look back

Exemplification: projects from 2 countries analyzed in the light of the comments raised during the appraisal stage

- 53 projects
- total of 900 comments

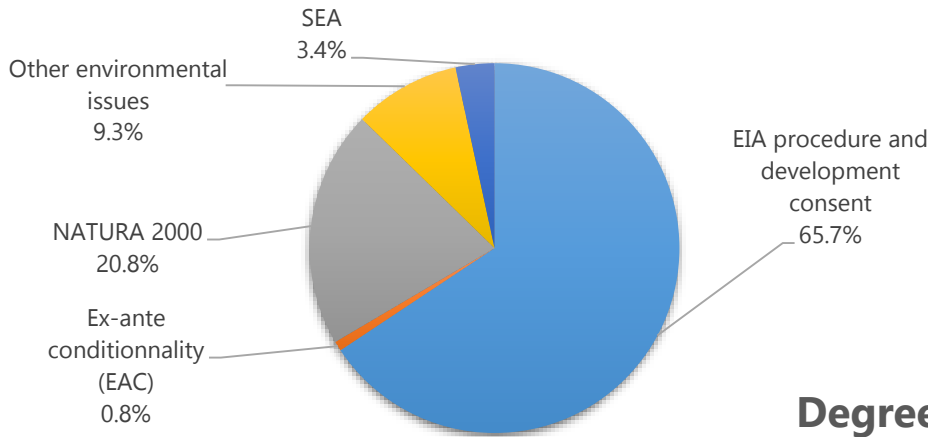
Distribution of comments per area of assessment



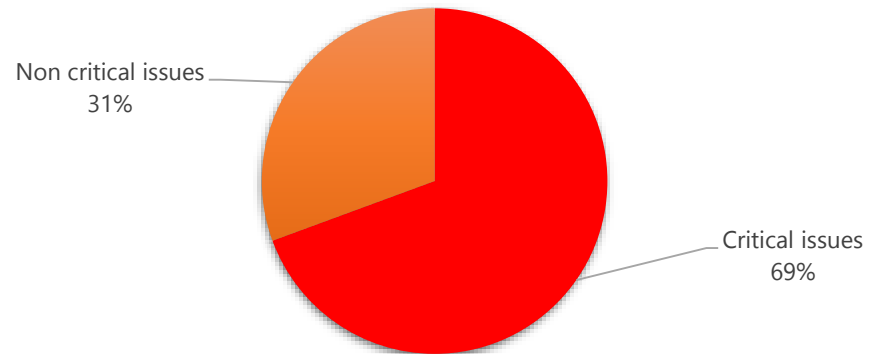
A look back

Projects with NATURA 2000 comments: 18 projects out of 53 total projects

Distribution of Environmental analysis comments per subarea

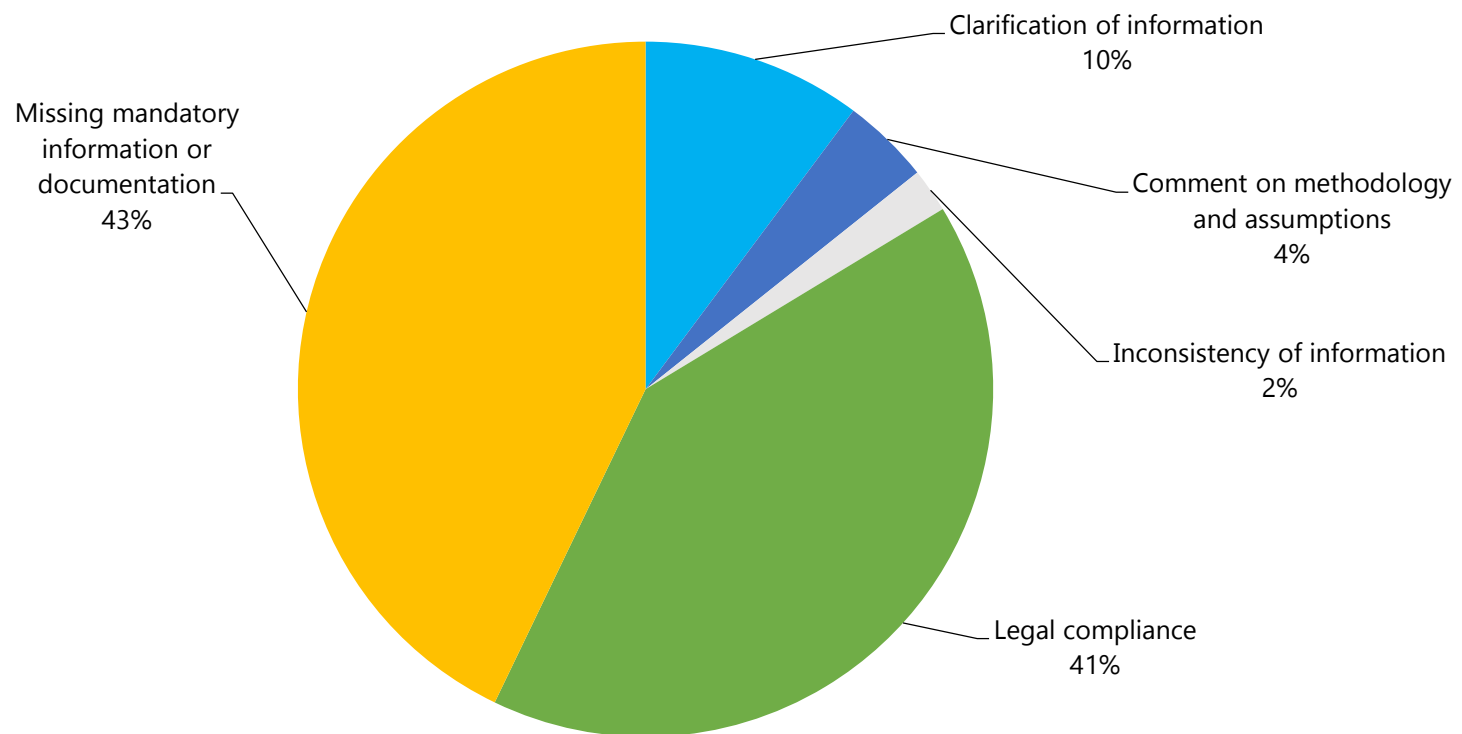


Degree of gravity of NATURA 2000 comments



A look back

Distribution of NATURA 2000 comments per type



What were the issues raised?

Quantitative

- Inconsistency across documents
- Incomplete procedural steps
- Involvement and acknowledgement of the competent authority
- Bulk of the documents submitted – risks of submitting wrong / outdated documents
- Screening out information (either when the decision is missing the justification or when AA was carried out for other components / sites and no info on all components / sites)

What were the issues raised?

Qualitative

- Inconsistency – differences between AF/FS and environmental documents
 - Causes: non-substantial / factual mistake (typo etc) or alteration of the project
 - Consequences in case of project modified:
 - no environmental documentation update = matter both as content and procedural or
 - environmental update documentation has been prepared
 - but not acknowledged by the competent authority = procedural matter

Implications = potential additional measures – need to be included in the project, might lead to additional costs

What were the issues raised?

Qualitative

- Difference between the EIA (Annex II) and AA screening
EIA Annexes 1 and 2 listing types of projects, whereas no list for AA
(*"any plan or project"*)
- Difference between legal requirement for screening and Appendix 1
- Compliance with the content requirements, especially in case of Appendix 1
- Justification for screening out – sites, project components, reasoning – in the light of the SSCO
 - Definition of "significant"
- Reviewed documentation vis-à-vis the updates of NATURA 2000 list

What were the issues raised?

Qualitative

- Quality of the documents – content of the screening out justification and of the Appropriate Assessment Report/Study
 - Project specific
 - Cover all project components (with the same technical features)
 - A list of concerned NATURA 2000 sites with clear reasons for inclusion / exclusion
 - The justification / assessment in the light of the SSCO
 - Intelligible presentation with a logical sequence of information
- Quality of the documents and annexes, especially maps
- Access to expertise!

Recommendations

- **Cooperation** between various stakeholders (including environmental authorities and competent authorities responsible for the N2K sites) **as early on in the process, as well as during the project preparation and appraisal**
- **Consistency across documents**
- **Appendix 1 Declaration** should be **up-to-date** and address the **requirements of the footnote (importance of the SSCO) / screening documentation**
- **Appropriate Assessment** should be done in light of the **SSCOs**, contain **mitigation measures** and identify **residual impact**

Recommendations

- **Clear instructions on the necessary set of documents to be submitted for appraisal process**
- **Access to experienced staff for the appraisal of the documents (both quantitatively and qualitatively)**
- **Checklist – ref DG Environment checklist that can be used 3-fold (while preparing the documentation, while submitting and while appraising)**

Missing elements can put in question the conclusion of the assessment

Thank you!

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More Information

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