

Environmental Impact Assessment in Slovenia

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Thank you very much for the kind invitation. I'm very pleased that we are here and that we can exchange our experiences on this interesting field, which is not new but is always challenging. And thank you very much that I have the opportunity to speak English.

Kind regards from our ministry for environment and spatial planning: we have worked on environmental impact assessments (EIA) for the last 30 years and strategic environmental assessment (SEA) for the last 14 years and I will present you about EIA development, transposition, challenges we have, case studies and also lessons learned.

EIA before the EU

As you know, EIA was not new - it was already in application far before the EU, the directives and far before we had our common approaches, criteria and elements. In the 1970 we already had EIA-research, studies applied and expert assessments of some projects. But the difference was in the participation of public and transparency. In 1975 we established SEPO, the expert centrum at Institut Jožef Štefan in Ljubljana. It included a group of the highest level researchers. Some parts of the study programmes and studies have been supported also in a bilateral cooperation with the United States. SEPO conducted all evaluations of the projects of their times. So they gave recommendations to the projects, mitigation measures and in 30 years they presented more than 700 studies. EIA became the conditionality for bank investments. But, EIA presented systematic assessment without a legal base, without public participation and with limited transparency in the decision making.

So ten years later we had EIA studies in tourism and road infrastructure, a nuclear power plant and some other projects like ski lifts or electricity lines in sensitive locations. Some projects had been stopped with non-action-alternatives, but also new alternatives had been developed through EIA. The scientific evaluation methods were developed and matrixes were used as the result of cooperations with universities and institutes from different interdisciplinary fields. There was scientific and pedagogic interest in EIA.

Improving EIA

But we are still dealing with challenges nowadays and the same old questions return from time to time... that's why it's important to reflect what kind of lessons we have learned so far. The challenge is still how to improve projects; what to do when an EIA starts too late in the project; how to improve the development of location alternatives when we have three levels of planning from national plans, regional plans to city planning; what kind of reasonable strategic spatial alternatives we develop, so that we still have a positive process for a better solution. The challenges are also how to straighten the institutions so that they use EIA for their projects as a tool, as a positive integrated tool for the improvement of projects; and also how to improve public participation.

Establishment of a legal system for EIA in Slovenia

In 1993 EIA became a legal obligation and in 1996 there were Environmental Code Improvements and at the very

end we have all the policies on EIA, including the definition of activities, projects for which EIA is obligatory, the list of activities with criterias for screening for Annex II projects, based on EU EIA directives.

An important element for Slovenia – because 37% of Slovenia consists of Natura 2000 networks – is also “appropriate assessment” and rules on appropriate assessment. At the development of Natura 2000 sites, we had very good cooperation with Austria, and we both have introduced similar elements for habitat assessment under article 6(3) of the Habitats Directive. The second important issue is impact on water, transposed with the water act and decree on EIA activities, evaluation rules for flood areas and water management programme.

We put in rules and guidelines elements from Water Framework Directive and all transpositions from all other directives related to EIA as well as the new EIA directives from 2014, which is transposed. Additional legal measures were accepted for screening for case-by-case examinations, the detailed criteria from the Annex III-directive were determined and we took into account all Court of Justice rules.

Recent developments

Recently we had a new interesting case from the European Court: the case that decided that mitigation measures are not allowed to be taken into account in screening decisions when involving Natura 2000 sites. Institutions and case by case examination are developing in Slovenia: We have created an Environmental Agency of the Republic of Slovenia and straightened administrative capacities. A consultation network was developed between the administrations of all ministries and the organisations, which are responsible for certain parts of the environment. They are given the chance to voice their opinions in the screening process and about the quality of the environmental reports, as well as at the final issuings of environmental permissions and conditions.

We developed the SEA/EIA Action plan with institutional trainings and practical bilateral exchange of practices with Austria, Ireland and also other European countries were very helpful, because on the European level we have very general guidelines. So when we work on the field we learn from each other, the impressions from both sides are very positive.

Last year we also added in the legislation an obligation for developers, that EIA is done by a competent expert, and an obligation for a competent authority for sufficient expertise and opinions in consultation with authorities became an obligation. Why? Because our analysis of ten years of experience show that the processes are long and everybody keeps pressing: “can you shorten the process,

can you go from one year to six months, can you go from six months to three months and maybe nothing”. But for sufficient process time is needed. If we don’t have quality in the environmental report and reasonable alternatives, the process can’t achieve the goal, which is a better project. Such common goal is in the hand of planners, project developers and engineers, and evaluation experts from all environmental fields.

The screening procedures for project types just from 2014 and 2015 show better economy and consequently a big raise in the statistics in this field. There were app. 600 applications for screening per year - that means 40 per month - and these were mostly municipality projects on environmental infrastructure, transport infrastructure, energy, tourism, industries and some mining. We open all screening decisions for the public and they are presented on a web page together with all environmental data called “Atlas okolja.”

Scoping in Slovenia

Scoping in Slovenia is not obligatory, but it can be chosen to be done by the proponent. But in more complex projects we usually use the scoping, more often on SEA stage. For such cases the plan developer could ask authorities for a confirmation of the aims and indicators and also assessment methods, so there are no uncertainties further on in the procedure. After the scoping, the environmental report is finished and the consultations with ministries and environmental organisations and consultation with the public are organised.

Challenges

We are using the same environmental report chapters as Austria on human health and safety, landscape, soil, historical monuments and cultural heritage. A separate Appendix of the EIA report is needed for Natura 2000 assessment (connectivity, habitat assessments, species assessments). Apart of rich biodiversity there are also many geological, natural monuments and other environmental issues and it’s these that need different approaches. All EIA assessment are already together and Slovenia has the “one stop shop”.

A recent development is a structural change of the “one stop shop” approach, which also includes the building permit decision, what is more than the EIA Directive proposes. Slovenia accepted an improved Building Act and we have EIA in the building permit decision, which is the final decision in the case of building projects. Such a process will shorten the process in theory and we will start with the application in June 2018.

We also focus more on human health and climate change. Effects including the expected effects from the vulnerabil-

ity of the projects to the risk of major accidents and disasters that are relevant to the project are also one of our challenges.

The first challenge lies in the state of the environment, because Slovenia is full of different categories of protections and we put everything on a web page so it's open and experts can download what they need. The second challenge is addressing the hazardous activities in land-use planning and differentiating between strategic environmental assessment and environmental assessment so that we have clear land use plans development with SEA and project development with EIA. Such a concept assures that environmental matters are properly included. Another challenge is also the One stop shop: water assessment, health, other environmental issues and habitat assessment have slightly different levels – on paper it's fine but on the field there are little different levels.

The case-by-case examination includes also secondary cumulative synergistical effects – it depends on the project – but it's obligatory to take these effects including cumulation into account.

Practical examples from Slovenia

As the transboundary SEA/EIA case there is a Slovenian hydropower project next to the border with Croatia on Sava River. There were alternatives developing, cumulative effects assessing Natura 2000 appropriate assessment done for Slovenia and for Croatia. The example is an EIA project with many mitigation measures for fish and other species and impacts. And this is a case Blanca which shows a mitigation measure – it has been in place for ten years now and it works very well. So we are building on our experiences following the projects.

The EIA case of a new thermo power station for 600 megawatts is a transboundary case with Austria, where we worked together already on the modelling and methodology. It presents the case of restructuring a technologically old power plant with negative effects on the environment.

The EIA case of a motorway: Karavanke presents the change of an Annex I “long-distance-motorway”. Our com-

mon water body was one of the environmental impact issues and our scientists were working together to find a way for better monitoring and for technical solutions. The project is interesting because it's harmonized on both sides of the border, but EIA procedures have been done in different decades.

How about a SEA/EIA for land use and urbanistic projects for Ljubljana. It involves two levels of planning: land use plans and strategic environmental assessment for land use – and then a project with EIA. Sometimes it's as professor Stöglehner said: it's very difficult to analyze it so that it's logical and that you can plan long-term in the right way – not too dense – but also with the conditions which are the environment and health and effects for project development.

The case of an urbanistic plan for Bežigrad shows the globalization approach and rule of SEA for its improvement. An area for new project development started with one alternative, a conflict because it was an international competition for architecture and an overdimensional project was presented: a big block in a tiny structure. Within SEA the alternatives were developed and assessed and a better alternative was confirmed.

The last case is the Pokljuka ski centre in the middle of a national park, in the middle of Natura 2000. The assessment is presented- is it possible to do the project or not? Strategic level and environmental impact assessment were very precise assessments for the evaluation of all habitats and provided winter-, spring – and additional measures and monitoring. The methodology was harmonized from SEA public consultations and then the EIA made sure that the right conditions and mitigation measures were accepted. The case shows that it's very important to use the current knowledge and methods for SEA/EIA environmental report preparation and that precious written conditions are essential for the application of the project. On the base of lessons learned, we can further develop the system, expert knowledge and integration of environment into the plans and projects.

Dieser Text wurde von Marco Mirzaiyan-Tafty transkribiert.