

## Annex 6.6 “Acceptability assessment for protected areas”

In accordance with the EU guideline, Slovenia has been conducting one procedure for the assessment of programmes and plans in the country (“one-stop shop”) since starting the implementation of a comprehensive environmental impact assessment (CEIA) and the acceptability assessment for protected areas. The plans in the field of land-use planning (municipal spatial plans) and national spatial plans are an important group of plans which denote the detailed planning of national projects and also determine corridors and the implementation of projects.

Prior to a building permit, the environmental impact assessment (EIA) must be prepared for projects, and the environmental protection consent must be obtained within which the acceptability assessment for protected areas is implemented.

To facilitate the implementation of acceptability assessments for protected areas, the ministry responsible for the environment determined detailed regulations adopted in the Rules on the assessment of acceptability of impacts caused by the execution of plans and activities affecting nature in protected areas (Official Gazette of the Republic of Slovenia, nos. 130/04, 53/06, 38/10 and 3/11). The ministry attained the environmental objectives by confirming plans with positive acceptability assessments for protected areas.

The recommendations used (according to the acceptability assessment for Natura sites within the CEIA and EIA procedures) in the possible discussion on the recasting of the Habitats Directive and the Birds Directive in connection with the provisions of the Directive on Strategic Environmental Assessment also derive from the study on the attainment of environmental objectives from the beginning of implementing the CEIA and the acceptability assessment for protected areas (Natura sites)<sup>1</sup>:

- The environmental report should clearly define the problem discussed in the assessment and the purpose/objectives of the assessment procedure.
- The environmental report must be equipped with the tracking of time and recording of the formation of the assessed policy, programme or plan, whereby all stakeholders in the procedure of preparing the assessed policy, programme or plan must be observed (client/investor, policy, programme or plan assessor, holders of spatial arrangement, different types of public and the author of the environmental report).
- More attention should be paid to accurate, clear and transparent determination of environmental objectives and quantitative definition of objectives where this is feasible.

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<sup>1</sup> The ministry responsible for the environment in cooperation with the Slovenian Research Agency issued a call for a targeted research project (with a detailed project task) which was completed with the task (Aleš Mlakar (October 2010-September 2012): *Uporaba in učinkovitost celovite presoje vplivov na okolje ter presoja vplivov na človekovo zdravje*, (Application and efficiency of a comprehensive environmental impact assessment and the assessment of impact on human health)) in order to study the efficiency of attaining environmental objectives from the beginning of implementation with the help of science on statistically representative samples and with the purpose of preparing the Republic of Slovenia for the forecast discussion on recasting the Directive on Strategic Environmental Assessment, the Habitats Directive and the Birds Directive. The discussion on the recast Directive on Strategic Environmental Assessment was later not on the agenda, while the discussion on the recast Habitats Directive and the Birds Directive is ongoing. The recommendations provided in this annex to the Management Programme refer to the acceptability assessment determined in the Habitats Directive. The tool for the preparation of these recommendations was the recommendations from the aforementioned tasks which are relevant for the acceptability assessment procedure.

- Environmental objectives should already be determined in the scoping phase. Environmental objectives should serve as the basis for determining content discussed in the assessment.
- The selected environmental objectives should be confirmed by the Comprehensive Environmental Impact Assessment Division.
- The objectives should also observe and maintain the diverse potentials of a certain area and not only the existing spatial characteristics. They should strive to improve the existing state.
- The objectives of the plan must derive from the environmental objectives.
- The content of the environmental reports should refer to the environmental objectives. The assessment should reveal the connections between the impacts, mitigation measures and environmental objectives.
- More attention should be dedicated to the observance of the ALARA principle in environmental reports. When preparing an assessed policy, programme or plan, innovative alternative solutions must be formed which will have lesser negative environmental impacts. The mere provision of mitigation measures which will only reduce the negative impacts of the assessed policy, programme or plan is not enough.
- The content of the environmental report must be transparent, clear and traceable. It must include descriptions of all phases of the CEIA procedure, including scoping.
- The utmost attention in the reports should be dedicated to the preservation of the potentials and not only the existing condition, as was anticipated in the existing practice.
- It should be determined in greater detail what is considered under cumulative and synergistic effects and how they should be treated (see definitions and sources in the starting points of this chapter).
- A database on the planned and the already adopted assessed policies, programmes and plans should be created and regularly updated.
- The scale for assessing plan effects should be modified. The assessments should be provided twice, i.e. for the assessed policy, programme or plan:
  - without the implementation of mitigation measures (or without the optimisation of the assessed policy, programme or plan);
  - with implemented mitigation measures (or the optimisation of the assessed policy, programme or plan).
- The scales for assessing plan effects in the Decree laying down the content of the environmental report and on the detailed procedure for the assessment of the effects on certain plans and programmes on the environment and in the Rules on the assessment of acceptability of impacts caused by the execution of plans and activities affecting nature in protected areas should be unified.
- The reports should clearly determine the level of certainty with which the assessment was given.
- The level of detail required for the description of mitigation measures within the CEIA procedure should be determined more accurately.
- Mitigation measures should be determined in more detail:
  - Measures deriving directly from the requirements of the applicable legislation should not be referred to as mitigation measures. They may be provided in a separate chapter where it must be stated explicitly that this is only the case of observance of the applicable legislation.

- Due to transparency, general mitigation measures which do not denote a significant modification of the assessed policy, programme or plan, should be provided independently from the measures which denote significant modification of the assessed policy, programme or plan.

- Inspection of the implementation of mitigation measures should be increased.
- All proposed modifications and measures for improvement which were highlighted or proposed by different stakeholders (client, drafter of the assessed policy, programme or plan, holders of spatial arrangement, expert and broader public and the author of the environmental report) in the process of preparing the assessed policy, programme or plan must be recorded transparently and accurately in the environmental report.
- More attention should be paid to the establishment of an efficient monitoring system of the state of the environment.
- More attention should also be paid to the dynamics of expected changes, and the regulated monitoring of the situation should be adjusted accordingly.
- Monitoring of the situation in environmental reports must be described in a way which will also anticipate measures in the case of different changes in the environment as preliminary assessed.
- The existing monitoring systems of the situation which are based on legal grounds should be used to the greatest extent possible.
- To improve strategic assessment, regular consultation sessions and workshops should be organised where all participants will be able to submit their proposals.
- Systematic monitoring of the efficiency of the procedures of acceptability assessment for protected areas should be established.