

TOR Reference No.:	Author(s): Gisela Holzgraefe
Version: 1.0	Date: 11/09/2014
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input checked="" type="checkbox"/>
Cross-cutting – tools and approaches -	<input checked="" type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input checked="" type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
<p>Nature protection in permitting and inspection of industrial installations – Implementation of Art. 6(3) of the Habitats Directive (phase 2)</p> <p>Evaluation of the applicability of the EU Guidance Document “Wind energy developments and Natura 2000”</p> <p>Development of a sector specific guidance for farm projects (pigs and poultry) – (or one other sector the project team agrees on)</p>	
1.4 Abbreviated name of work or project	
Permitting under Art. 6(3) HD	

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive or HD).

Directive 2010/75/EU on industrial emissions, integrated prevention and control (IED)

2.2 Link to IMPEL MASP priority work areas

- | | |
|---|-------------------------------------|
| 1. Assist members to implement new legislation | <input type="checkbox"/> |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives | <input type="checkbox"/> |
| 3. Work on 'problem areas' of implementation indentified by IMPEL and the European Commission | <input checked="" type="checkbox"/> |

2.3 Why is this work needed? (background, motivations, aims, etc.)

In 2012 - 2014 the "Study on Evaluating and Improving the Article 6.3 Permit Procedure for Natura 2000 Sites" was carried out for the Commission. Only nature authorities were involved in it. A big variety of different approaches have been applied in practice.

In total it was found that the Article 6.3 permit procedures is functioning well.

But nevertheless a number of current problems are mentioned in the study:

- incorrect application
- lack of staff → poor assessments
- lack of understanding / experience
- confusion concerning AA / EIA / NIMBY attitude (not in my backyard)
- quality of documents from proponents is very different
- AA should be based on scientific studies
- lack of data basis for assessment of cumulative effects on Natura 2000 sites is a big problem (CZ has database for EIA installations and database of Natura 2000 sites)
- lack of dialogue – authorities do not or are perhaps not allowed to discuss the project with the proponent/applicant before having prepared the application
- lack of coherent planning approval (taking into consideration the strategic impact assessment acc. to SEA Directive).
- poor transposition of Art. 6 (4) into national law
- Art. 6 (4) is under- or overused
- time needed for correct AA, in cases where recent monitoring information is not in place the person who prepares the AA has to go on site and assess the targeted features or priority species. A period of 1 year may be necessary.

In 2013 IMPEL carried out a small project "**Nature protection in permitting and inspection**" where the project team explored the needs and requirements concerning nature protection in permitting and inspection of industrial installations. The need for more information was confirmed. Therefore IMPEL carried out a follow-up in 2014 project with the title "**Nature protection in permitting and inspection of industrial installations Implementation of Art. 6(3) of the Habitats Directive**" in which nature authorities and permit and inspection authorities for industrial installations participated. The project took conclusions and recommendations into consideration. In the 2014 project the core team collected information by using a questionnaire and carried out a workshop. It was found out very quickly that the project could only give a general overview of the situation and collect information about some best practice examples. It is impossible to give one receipt for all different species and particular targeted features. The main findings of the project 2014 were:

There is a need for:

Improving knowledge about and use of EU guidance / awareness raising measures,
Initiating revision of existing or development of new EU guidance,
Sharing existing national guidance and scientific studies on different projects,
Exchange of knowledge about screening criteria and assessment methodologies, e.g. accepted practices: use of Critical Loads (CL), criteria for habitat loss (Fachkonventionen DE), new approaches e.g. for evaluation of Nitrogen-deposition,
Targeted user-friendly guidance should be developed. Follow-up projects should concentrate on small steps.

Recommendation concerning permitting:

Integration of information about screening and AA (carried out or not and results/consequences) into the permit,
Integration of conditions concerning Natura 2000 sites into permits
Exchange of experience concerning dealing with activities without permits (e.g. small farms): are these activities covered by conservation authorities? (must be in mind for inspection tasks)
Definition of general requirements concerning permits for activities in / near protected areas taking into account Natura 2000 sites

A separate IMPEL project on dealing with Natura 2000 sites in inspection activities should be carried out.

- Proposal of a follow-up project

So far the project dealt with basic knowledge about the current situation and problems. From now on a step by step approach is necessary. It is not possible to give one receipt for all different species and all situations.

My proposal will focus on the following:

- Evaluation of the applicability of the EU Guidance Document “Wind energy developments and Natura 2000” and
- Development of a sector specific guidance document on dealing with Article 6(3) HD in permitting of farm projects (pigs and poultry) (or one other sector the project team agrees on) – (with at least definition of the project and project boundaries, development of a screening list, problem of salami slicing).

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

Exchange of experience concerning the applicability of the EU Guidance Document “Wind energy developments and Natura 2000” and its evaluation. At the same time improving better knowledge about the document and discussion of national approaches. If necessary, the evaluation may provide input for the Member States and the Commission.

Other sector specific guidance documents concerning industrial installations do not exist on EU level. For the development of a common understanding and sharing as well as spreading knowledge sector specific guidance on several project types (relevant in many or all EU countries) should be developed. The results will be available for all interested parties.

2.5 Does this project link to any previous or current IMPEL projects? (state which projects

and how they are related)

2013: “Nature protection in permitting and inspection”

2014: “Nature protection in permitting and inspection of industrial installations Implementation of Art. 6(3) of the Habitats Directive”

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

Working with a core team for the preparation of the project activities,
 Invitation of experts concerning wind energy projects for the evaluation of the Guidance Document “Wind energy developments and Natura 2000”
 Discussion with experts concerning Article 6(3) HD in permitting of farm projects (pigs and poultry) (or one other sector the project team agrees on) for the development of a sector specific guidance.
 Preparation of the documents.
 Support by an external body would be appreciated.

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

- Evaluation of the applicability of the Guidance Document “Wind energy developments and Natura 2000” and
- Sector specific guidance document on Article 6(3) HD in permitting of farm projects (pigs and poultry) (or one other sector the project team agrees on) – (with at least definition of the project and project boundaries, development of a screening list, problem of salami slicing)

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

January 2015: identification of core team members
 February 2015: identification of contributors to the project
 March 2015: first core team meeting
 June 2015: workshop with experts
 August 2015: second core team meeting
 September 2015: draft final report for Cluster i
 November 2015: submission of the draft final report to GA

3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)
t.b.d
4.2 Project team (who will take part: name, organisation and country)
same as in 2014
4.3 Other IMPEL participants (name, organisation and country)
COM
4.4. Other non-IMPEL participants (name, organisation and country)
e.g. ENCA, Habitats Committee, ORNIS Committee, JASPERS, Working group for Appropriate Assessment procedure.

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	17 270 €			
How much money is to be co-financed	10 000 €			
Total budget	27 270 €			

6. Detailed event costs of the work for year 1

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
<u>Event 1</u>				
First core team meeting, March 2015, Location t.b.d. 6 participants 2 days, 1 night	6 x 360 € = 2 160 €	540 €	150 €	2 850 €
<u>Event 2</u>				
workshop June 2015	18 x 360 € = 6 480 €	3 240 €	1 350 €	11 070 €

Location t.b.d.				
18 (6 core team plus 6 experts windfarms and 6 experts farms)				
3 days / 2 nights				
Event 3				
second core team meeting	2 160 €	540 €	150 €	2 850 €
August 2015				
Location t.b.d.				
6 participants				
2 days, 1 night				
Event 4				
<Type of event>				
<Data of event>				
<Location>				
<No. of participants>				
<No. of days/nights>				
Total costs for all events	10 800 €	4 320 €	1 650 €	16 770 €

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7.2 What are the total costs for the consultant?	[10 000 €]
7.3 Who is paying for the consultant?	Contribution of Federal Ministry for the Environment and Housing Germany
7.4. What will the consultant do?	Development of a draft for the final report, the evaluation document and the sector specific guidance document
7.5 Are there any additional costs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Namely: 500 €
7.6 What are the additional costs for?	participation in cluster i meeting
7.7 Who is paying for the additional costs?	IMPEL
7.8. Are you seeking other funding sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	<input type="checkbox"/> Yes <input type="checkbox"/> No Namely:
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8. Communication and follow-up (checklist)

	What		By when
8.1 Indicate which communication materials will be developed throughout the project and when <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR ^{✓*} Interim report ^{✓*} Project report ^{✓*} Progress report(s) [✓] Press releases News items for the website ^{✓*} News items for the e-newsletter [✓] Project abstract ^{✓*} IMPEL at a Glance [✓] Other, (give details):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	t.b.d.
8.2 Milestones / Scheduled meetings (for the website diary)	First core team meeting Workshop Second core team meeting		
8.3 Images for the IMPEL image bank	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
8.4 Indicate which materials will be translated and into which languages	t.b.d.		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	t.b.d.		
8.6 Identify which groups/institutions will be targeted and how	COM, non-IMPEL participants, e.g. ENCA, Habitats Committee, ORNIS Committee, JASPERS, Working group for Appropriate Assessment procedure.		
8.7 Identify parallel developments / events by other organisations, where the project can be promoted			

✓) Templates are available and should be used. *) Obligatory

9. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

*In case of doubts or questions please contact the
IMPEL Secretariat.*

*Draft and final versions need to be sent to the
IMPEL Secretariat in word format, not in PDF.*

Thank you.