An approach to ensure minimal ecological effects of new (physical) projects

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Assessment of new (physical) projects

- Local water manager is the competent authority assessing new projects (by local politicians)
- A guideline is developed and published in the (draft) water plans to help ecologists and lawyers
- Ecology is really new in water law
- The guideline is considered as a WFD measure (regulating)
- The guideline has several objectives:
  - To ensure a comparable assessment of new physical changes in water bodies
  - To ensure no effect on the WFD objectives:
    - No deterioration of ecological status /potential
    - Achievement of good ecological potential (new activities should not counteract the positive effects of measures planned or taken)
New projects

- Effects on (toxic) substances → apply national emmission – immision test
- Effects on the physically change the water:
  - Sand mining in water for infrastructure / other activities
  - Dredging for shipping
  - Change from water to land for housing or industrial activities
  - Development of harbours, change of shorelines
- Effects of other projects (cooling water intake, fishery, hydropower etc. have their own additional guidelines or guidelines in development)
The guideline physical changes

• Consists of a series of questions to separate larger projects with a potential impact from the smaller ones with no impact on status
• Key question: does the project include or has an effect of more than 1% of the ecological relevant area in the water body?
  – 1% criterion is applied cumulative (so smaller projects can also exceed this limit)
  – can be considered as a sieve for more detailed checking of effects
  – changed area is defined in permit (absolute value), also when smaller than 1%
• Ecological relevant area is defined in maps per quality element per body for the public waters, and is open information.
• If the 1% limit is exceeded and negative effects on status can not be excluded or compensated, article 4.7 shall be applied
• In draft plans 2015-2021 for only 2 bodies 4.7 is applied
• In plans 2009-2015 harbour extension Rotterdam (c 10km2 change water to land, coastal water)
Ecological Relevant Areas
Map basis for ecological relevant areas
The guideline scheme

- Is the change in the waterbody or does it affect the waterbody? (y = continue)
- Is the change on the list of always acceptable changes (this is a list for small things, like a information board, a picknick bank etc.) (no=continue)
- Does the change only affect positively the ecological quality? (no=continue)
- Does the change affect planned or carried out WFD measures? (yes=continue)
- Does the change have an affect on the ecological relevant areas? (yes=continue)
- Is the larger than 1% of this area, or does it affect larger than 1%? Cumulation? (one yes or more= continue)
- Does the change have an effect on one or more quality elements? (one yes or more=continue)
- Is the change sufficiently compensated? (no=continue)
- Apply article 4.7
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