

Impact Assessment according to Article 6 (3) of the "Habitats" Directive Review Checklist

The Checklist has been designed as a method for reviewing the adequacy of Impact Assessment Statements in terms of compliance with the requirements of Article 6(3) of the "Habitats" Directive. The aim of the guidance is to provide practical help to those involved in the review of environmental information submitted by developers. The checklist can also be used by independent review bodies, NGOs, developers and practitioners to verify whether an Assessment Statement meets the requirements of decision-making and the current state of good practice.

The Checklist is a non-mandatory document. It has been prepared for the

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The Checklist is a non-authorized adaptation of the EU Guidance on EIA / EIS Review which was published in June 2001 by the European Commission at <http://europa.eu.int/comn/environment/eia/eia-support.htm>.

The present version reflects the results of a research project carried out for The German Federal Ministry of Transportation, Housing and Urban Planning: "Proposal for Methods and Presentation Forms for Impact Assessments pursuant to the "Birds" and "Habitats" Directives (F.E. 02.221/2002/LR)" (2003).

The present Checklist emphasises on the specific requirements of the assessment of impacts on Natura 2000 sites. Since many of the questions to be asked are similar for the EIS and the Impact Assessment according to the "Habitats" Directive, valuable additional information can be accessed through Europa server <http://europa.eu.int/comn/environment/eia/eia-support.htm> (Guidance on EIA: Screening, Scoping and Review).

The Checklist should always be used in conjunction with the EU Directives on "Habitats" and "Birds" and the Member State legislation, and within the advice set out in the Commission services' interpretation document "Managing Natura 2000 Sites: The provisions of Article 6 of the "Habitats" Directive 92/43/EEC" <http://europa.eu.int/comn/environment/nature/home.htm>

Principal Authors	Annick Garniel (Kieler Institut für Landschaftsökologie) Petra Faull (Trüper Gondesen Partner)
Research Team	
Scientific Counsel	Kieler Institut für Landschaftsökologie Dipl.-Biol. Dr. Ulrich Mierwald Rendsburger Landstraße 355 24111 Kiel, Germany Phone: +49-[0]431/6913700, Fax +49-[0]431/6913701, e-mail kifl@kifl.de
Spatial Planning	Trüper Gondesen Partner Landschaftsarchitekten BDLA An der Untertrave 17, 23552 Lübeck, Germany Phone: +49-[0]451/798820, Fax +49-[0]451/79882-22, e-mail info@tgp-la.de
Mapping Techniques	Planungsgesellschaft Umwelt, Stadt und Verkehr mbH Cochet Consult Koblenzer Straße 99 53177 Bonn, Germany Phone: +49-[0]228/943300, Fax +49-[0]228/94330-33, e-mail Top@cochet-consult.de
Legal Counsel	Dr. jur. Erich Gassner, Atty. Ministerial Councilor (ret.) Bachstraße 19 53115 Bonn, Germany Phone: +49-[0]228/632971, Fax: +49-[0]228/9650927, e-mail Dr.jur.ErichGassner@t-online.de

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Section 1: Structure of the Impact Assessment (IA)

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
Task Definition				
1.1	Are the full name of the Plan or Project (PP) and of the responsible Developers/ Authorities mentioned?			
1.2	Are the official code number and the name of the Natura 2000 site mentioned as given in the Standard Data Form?			
1.3	Can the status of the site (pSCI, SAC, SPA) be clearly identified?			
1.4 !	Is the IA a specific study for one single site? (Is the IA a case by case assessment and no “collective examination” meddling several sites?)			
1.5	If the Natura 2000 site has been extended in several steps in the past, does the IA refer to the actual boundaries of the site?			
Non-Technical Summary				
1.7	Does the IA include a Non-Technical Summary?			
1.8	Does the Summary provide a concise but comprehensive description <ul style="list-style-type: none"> • of the PP, • of the Natura 2000 site? 			
1.9 !	Does the Summary provide a adequate overview on the results of the successive steps of the assessment <ul style="list-style-type: none"> • PP-related impacts, • residual impacts after PP-related mitigation, • cumulative impacts of other PP, • residual impacts after mitigation of cumulative impacts? 			
1.10	Would the Summary be comprehensible to a lay member of the public?			
Quality of Presentation				
1.11	No IA specific requirements see → Guidance on EIA: EIS Review (June 2001) http://europa.eu.int/comm/environment/eia/eia-support.htm			

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Section 2: Description of the Project or Plan (PP)

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
2.1	Are the need for and objectives of the PP explained?			
2.2	Is the entire PP described with further developments or only the presently planned section of a larger PP?			
2.3	Are the main physical characteristics of the PP described?			
2.4 !	Does the technical description focus on the details required for the specific assessment of impacts on the Annex I Habitats and the Annex II or bird Species of the Natura 2000 site?			
2.5	Is the area occupied by each of the permanent components quantified and shown on a scaled map?			
2.6	Is the size of any structures or other works developed as part of the PP described? (e.g. the height of bridges, size of extractions)			
2.7	Are any activities involved in construction of the PP described? (e.g. area of land temporarily needed for construction, demolition, storage facilities, access corridors, water features, earthworks, surface restoration)			
2.8	Are the processes involved in operating the PP described? (e.g. emissions of pollutants, noise, light, drainage)			
2.9	Is the programme or the implementation of the PP described, detailing length of time, start and finish dates for construction, operation or decommissioning?			
2.10 !	Are there uncertainties about the final design of the PP? Are they mentioned in the description? Are their consequences for the evaluation of the impacts of the PP highlighted?			
Other Questions on Description of the PP				

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Section 3: Description of the Natura 2000 Site Likely to be Affected by the PP

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
Description of the Natura 2000 Site				
3.1 !	Does the description provide all information needed to assess impacts on the <u>integrity of the site</u> or is the description restricted to the part of the site likely to be affected?			
3.2	Does the description of the site provide an adequate description of the main features of the landscape (e.g. geology, hydrology, soils, topography, land use patterns)			
3.3 !	Is the occurrence of the Annex I Habitats within the site adequately described? (e.g. total surface, characteristic species of the Habitats (flora and fauna), sub-types, range of variability of the state of conservation within the site, ongoing protection programmes)			
3.3 !	Are the populations of the Annex II or of the bird Species adequately described? (e.g. size, distribution patterns within the site, special habitats requirements, functions of the site in the life cycle of the Species (e.g. spawning grounds for fishes, breeding or moulting areas for birds), functional network of the habitats of the Species, ongoing protection programmes)			
3.4 !	Does the site have some privileged ecological relationships with other Natura 2000 sites? (e.g. the site is part of a network of resting places of migratory birds) Are there any interdependencies with other Natura 2000 sites?			
3.5	Does the description include unnecessary information about biotopes or species with no connection with the issues of the Habitats or Birds Directives? (e.g. non-Annex Species, birds Species in sites designated according to “Habitats” Directive, landscape values, human activities)			
Description of the Study Area				
3.6	If the PP is likely to affect only one part of the Natura 2000 site, has the study area been defined widely enough to include all the area likely to be significantly affected by the PP?			
3.7 !	Have the individual situation of the site and the specific components of the PP been taken into account by the delimitation of the study area? (e.g. specific topographic patterns, sensitivity of Annex II species)			
3.8 !	Are the Annex I Habitats of the study area adequately described? (e.g. proportion of the occurrence in the whole site, characteristic species (flora and fauna), local subtypes, local differences of the state of conservation)			
3.9 !	Are the Annex II or the birds Species of the study area adequately described? (e.g. proportion of the occurrence in the whole site, functions of the site in the life cycle of the Species)			

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Section 3: Description of the Natura 2000 Site Likely to be Affected by the PP

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
3.10 !	Is the function of the study area within the site highlighted? (e.g. bottleneck area for migrations of species or for genetic exchanges among populations)			
3.11 !	Does the IA provide information about the baseline situation in the study area? (e.g. pollutants, noise, light, previous impacts). Has the baseline situation to be improved in order to restore a favourable state of conservation?			
3.12 !	Does the IA provide information about conservation measures planned to improve the state of conservation of Habitats or Species of the Annexes in the study area? (e.g. reintroduction of Species or re-establishment of Habitats)			
3.13 !	Do the descriptions of the study area and of the whole site provide the information needed to assess <u>the significance of impacts at local scale for the integrity of the whole Natura 2000 site?</u>			
Data Collection and Survey Methods				
3.14	Are data and information recent?			
3.15	Have all relevant national and local agencies been contacted to collect information on the site?			
3.16	Have sources of data and information be adequately referenced?			
3.17	If surveys have been undertaken as part of the IA Study, were the methods used appropriate for the purpose?			
3.18 !	Was a specific mapping of Annex I Habitats carried out?			
3.19 !	Are data about Annex I Habitats based on the interpretation of types primarily described according to other classification systems? Can any ambiguities about the assignment to corresponding Annex I types be excluded?			
3.20 !	Were experts involved? (e.g. for determination of difficult Annex II taxa: lichens, molluscs etc.)			
3.21	Are there any important gaps in the data?			
3.22	If there are <u>unavoidable</u> gaps in the data, are the means used to deal with these gaps in the IA explained?			
Other Questions on Description of the Site				

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Section 4: Description of the Likely Significant Impacts on the Natura 2000 Site

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
Methods of the Impact Assessment				
4.1	Are the methods used to predict and evaluate the significance of impacts described?			
4.2	Are the methods appropriate for the assessment of impacts on endangered and rare species or habitats?			
4.3 !	Does the IA provide a clear evaluation of impacts <u>without</u> mitigation measures?			
Description of the Effects Likely to Occur				
4.4	Are all possible effects described? (e.g. related with construction and operation of the PP, primary, secondary, temporary, long term effects)			
4.5 !	Does the IA connect clearly the possible effects of the PP with the ecological requirements of the Annex I Habitats and the Annex II or bird Species?			
4.6 !	Does the description of possible effects take the specific situation of the study area and of the Natura 2000 site into account?			
4.7 !	Have adverse effects on the future implementation of the ecological management of the site been taken into account? Could the PP compromise the restoration of a favourable state of conservation?			
4.8 !	If there are close ecological interdependencies with other Natura 2000 sites, have been indirect effects on these other sites been identified?			
4.9	Does the IA include effects with no connection with the issues of the Habitats or Birds Directives? (e.g. socio-economic values, environmental features not related to the both Directives, landscape or scenic value)			
Evaluation of the Significance of the Impacts				
4.10	Are the thresholds of significance of impacts clearly stated? Are uncertainties discussed?			
4.11 !	If the design of the PP is not yet fully clear, are its impacts on the site described as worst case predictions?			
4.12 !	If there are relevant uncertainties (e.g. unclear PP design, gaps in scientific knowledge on sensitivity of a Species), does the IA conclude to a <u>likely significant</u> impact? or a <u>likely non-significant</u> impact?			
4.13 !	Have the specific sensitivities of the Habitats and the Species been taken into account? Or does the IA operate with undifferentiated thresholds?			

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Section 4: Description of the Likely Significant Impacts on the Natura 2000 Site

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
4.14 !	Does the evaluation take the lower threshold of tolerance (= the higher sensitivity) of Habitats or Species which have been damaged previously into account?			
4.15 !	Is appropriate emphasis given to the most sensitive stage of the life cycle of the Species? (e.g. eggs or larvae for fishes)			
4.16 !	Does the IA provide a individual evaluation of the impact of each effect on each Species and Habitat affected?			
4.17 !	Are the effects of local impacts in the study area on the state of conservation of the Species or the Habitat in the whole Natura 2000 site discussed?			
4.18	Do considerations with no connection with the issues of the Habitats or Birds Directives interfere with the evaluation of impacts of Annex I Habitat or Annex II or bird species?			
Other Questions on Description of the Impacts				

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Section 5: Description of the Mitigation Measures

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
Description of the Mitigation Measures				
5.1	Does the IA explain how the measures will <u>avoid</u> or <u>reduce</u> adverse impacts on the site?			
5.2 !	Is it clear that no <u>compensation</u> measures have been proposed for <u>mitigation</u> ?			
5.3 !	Have the measures been adapted to the specific requirements of the Annex I Habitats and Annex II or bird Species affected?			
5.4	Does the IA discuss any other negative effects of the proposed measures on other Annex I Habitats or on Annex II and bird Species?			
5.5	Is the mitigating effect on the magnitude of impacts clearly established? Are uncertainties discussed?			
5.6	Are the <u>residual impacts after mitigation</u> described and their magnitude assessed?			
5.7	Was the same method used for the evaluation of primary impacts and of residual impacts? Can the results be compared directly?			
5.8	Is it evident that the IA team/ the Developer have considered the full range of possible mitigation?			
5.9	Have alternative solutions been assessed?			
5.10	Have proposals of the Nature Conservation Authorities or other stakeholders been taken into account?			
Implementation of the Mitigation Measures				
5.11	Does the IA specify a timescale for implementation of mitigation measures? Will the measures be effective when the impacts are likely to occur?			
5.12	Are the measures only suggestions or recommendations of the IA team? Does the IA provide an evidence of a binding commitment of the Developer?			
5.13	Are the responsibilities for the implementation of mitigation measures (including funding) clearly defined?			
5.14	Does the IA describe a monitoring scheme and how any mitigation failure will be addressed?			
Other Questions on Description of the Mitigation Measures				

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Section 6: Description of Other Plans or Projects

No.	Review Question	Relevant?	Adequately Addressed	What further Information is needed?
Description of the Relevant Other Plans or Projects				
6.1 !	Are the criteria used for the identification of relevant other PP explained? (e.g. potential cumulative pathways, relevant types of impacts, affected Habitats and Species)			
6.2 !	Are the boundaries for the assessment of cumulative impacts explained?			
6.3 !	Was the screening for relevant PP restricted to the study area or extended to the whole Natura 2000 site?			
6.4	Have the regional or national competent authorities (e.g. for Spatial Planning, Nature Conservation) been contacted for information?			
6.5	Are uncertainties regarding the implementation of other PP (e.g. unclear technical design, timescale) discussed?			
Assessment of Cumulative Impacts				
6.6 !	Does the IA provide an adequate description of all cumulative impacts which are likely to affect the same Annex I Habitats and the Annex II or birds Species which are damaged by the assessed PP? (criteria → Section 4)			
6.7 !	Does the IA provide an adequate assessment of the magnitude and significance of the relevant cumulative impacts? (criteria → Section 4)			
Mitigation of Cumulative Impacts				
6.8 !	If the IA concludes that cumulative impacts are likely to cause a significant damage to the site, have specific mitigation strategies for cumulative impacts been proposed?			
6.9 !	Does the IA explain how the measures will <u>avoid</u> or <u>reduce</u> the cumulative adverse impacts on the site? (criteria → Section 5)			
6.10 !	Are the residual impacts after mitigation described and their magnitude assessed? Was the same method used for the evaluation of primary impacts and of residual impacts? Can the results be compared directly?			
6.11 !	Are the responsibilities for the implementation (including funding) clearly defined? (e.g. Was an agreement met among the developers of the different PP involved?)			
Other Questions on Description of the other Plans or Projects				

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