

Internal Briefing Paper on Best Practices: Focus on nature conservation

BirdLife Europe

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1. Introduction

NB. This document covers elements of the briefing provided to the BESTGRID Month 3 meeting to which BirdLife was the main author or made a significant contribution.

By the end of June 2013 BirdLife and Germanwatch will deliver internal project briefings, with initial recommendations on actions that can be taken in the pilot project action plans on improving public acceptability, with a focus on actions beyond current good practice in two key areas:

1. consideration of the environment and environmental protection (BL); and
2. transparency and public participation (GW).

These initial recommendations will be discussed in the BESTGRID Month 3 workshop, and then be developed further for the end of June, and subsequently for presentation as an element of IIASA's monitoring framework.

By Month 6 IIASA will deliver an external report on the monitoring framework. IIASA will focus on specification of the data collection protocol, a framework of guiding principles and suggested actions. The data collected during the pilot projects will allow development of recommendations on the action based on findings about which actions addressed issues of public acceptance most effectively and efficiently. Publication of these findings will influence discourse at the national and international policy-making processes, and will allow transfer of best practices to other projects.

The objectives of the deliverables are to:

1. Provide a framework for the specification and design of the action plans that allows for monitoring and scientific analysis of 'what works' (IIASA).
2. Provide suggestions and guidance to the TSOs in designing their action plans in line with five guiding principles ('need', 'accountability', 'engagement', 'environment' and 'benefits') towards higher levels of environmental protection and public acceptability (BL and GW)
3. To create building blocks towards the final 'guide books' on environmental protection and stakeholder engagement to be delivered at the end of the project (BL and GW).

The next two sections cover:

- Basics on the context, the five guiding principles, and to how the framework, recommendations and action plans are related.
- Review of initial recommendations

Please note this is an early project draft for internal discussion. The aim is to start a dialogue and to improve the deliverables so that they are as useful as possible for all project participants.

2. Basics: guiding principles, and recommendations and action planning

2.1 The five guiding principles

The BESTGRID “Description of the Action” states on page 7:

“There is a long body of research into the issue of public support and opposition which in a nutshell suggests the importance of five sets of action in the course of project development:

1. Very early involvement of stakeholders in the deliberative process.
2. Clear and constant linking of the need for new infrastructure to the problems that the specific infrastructure project addresses.
3. Complete transparency concerning all aspects of the project, including costs (to whom), benefits (to whom), design choices, involved actors, and environmental, economic, and health impacts.
4. Concerted attention to minimise any environmental and health impacts.
5. Sharing of the benefits that infrastructure brings to society with those that have to make compromises for the good of society.”

Below these are re-ordered, given abbreviated titles (e.g. ‘need’) and briefly explained.

‘Need’

People who think their interests may be negatively affected by a project will, understandably, seek to question the need for that specific project. The solution is clear and constant linking of the need for new infrastructure to the problems that the specific infrastructure project addresses.

‘Transparency’

Affected groups expect and demand to be able to understand who makes decisions affecting them, on what basis, and to be able to hold decision makers to account. Thus maximum transparency concerning all aspects of the project is required, including costs (to whom), benefits (to whom), design choices, involved actors, and environmental, economic, and health impacts. This is necessary but insufficient: there must also be clear procedures in place for affected groups to engage, and to make their concerns heard.

‘Engagement’

Experiences shows there are strong benefits to public acceptability in very early involvement of stakeholders in the deliberative process. Engagement needs to then continue throughout planning and project phases, with methods suited to different stakeholders, and clarity on how their input will be (and has been) taken into account.

‘Environment’

Public acceptability is increased where potentially affected groups understand that there will be concerted attention to minimizing any environmental and health impacts. This can be achieved through procedures (which should, in themselves, advance accountability and engagement) to take potential impacts into account and to specify actions to avoid or mitigate those impacts.

‘Benefits’

Local public acceptability will be low where affected populations feel they derive no benefit from the new infrastructure, for example where a power line passes overhead but is not needed for local electricity supply nor to support local generation capacity and jobs. This can be addressed by sharing of the benefits that infrastructure brings to society with those that have to make compromises for the good of society.

2.2 The ‘desired outcomes’ and recommendations

In Section Four below, broad recommendations are made for types of actions the BESTGRID partners could specify and implement in their action plans, towards each of the five guiding principles. Some of the actions are derived from historical case studies, and others are recommendations made by BL and GW, based on their experience working in the relevant policy area.

In order to ensure the recommendations are consistent, and to help with specifying detailed actions in a comparable way, each guiding principle is first translated into a ‘desired outcome’ and some more

specific principles. A brief overview of challenges, opportunities and existing requirements/ good practice is also provided.

3. Overview of initial recommended actions

The BESTGRID project as a whole seeks to demonstrate and improve understanding of new and improved practices to increase the public acceptability of power line construction needed for renewables integration, in particular through greater commitments to environmental protection and to engagement with stakeholders and the public.

The BESTGRID pilot projects (in general) seek to implement action plans that contribute significantly to greater public and stakeholder support for the pilot project, and to reduce risks of opposition and delays. This will be achieved by going beyond legal requirements and current good practice, in line with five guiding principles: (i) establishing the need case; (ii) transparency and accountability; (iii) stakeholder and public engagement; (iv) protecting the environment; and (v) benefit sharing.

3.1 Need

Desired outcome and specific guiding principles

The public, stakeholders and independent experts are more confident that the line needs to be built in order to accommodate renewable energy supplies, and that the best alternative route and technology has been identified.

Specific guiding principles for ‘need’:

1. Address and communicate ‘need’ at all stages of planning, from EU-level down to the local alignment.
2. Consider reasonable alternatives at all stages: apply the ‘hierarchy’ in the EGD.
3. Maximize transparency on how need is established.
4. Engage stakeholders in suggesting and assessing alternatives
5. Tailor ‘need’ arguments so they are relevant and understandable for different groups of stakeholders and communities.

Challenges

- The first argument against a given power line will always be that it is not needed, or that it is not needed for a purpose they support (e.g. renewables integration), or that an alternative route or technology is available.
- It is very challenging to explain how the general need case is established, especially to the general public.
- TSOs do not want to release load flow data that would clearly establish why a new line is needed, for security reasons.
- Alternatives to chosen routes or technologies will also have impacts and opponents.

Opportunities

- Where independent experts are able to scrutinise load flow data and confirm TSO conclusions, this will greatly add to public trust and therefore acceptability.
- Transparent, systematic consideration of alternatives at an early stage (e.g. in national network planning, and/or in corridor selection) helps demonstrate need.

Existing legal requirements and standard practice

- National regulators' requirements
- ENTSO-E SOAF
- Consideration of alternatives in SEA and EIA
- Requirement to demonstrate lack of alternatives if likely significant effects as defined in the Habitats Directive cannot be ruled out.

Existing good practice

- 50Hertz release of load flow data
- National Grid – explaining energy policy context
- Public participation in defining national need (Germany)
- 'Need' workshops with stakeholders – Statnet Nettplan Stor-Oslo project
- 'Grid perspective committee' involving stakeholders - RTE

Successful actions taken in case studies

- Information published in local media, such as media campaign including local or international media source, dependently on preferences from stakeholders
- Transformation of scientific knowledge and its adaptation to public needs, publication of results from scientific research
- Engagement of local and well-known mediators to report about the project to overcome perceptions connected with dread risk or negative past experience
- Clear communication of goals and gains of the project
- Dissemination campaign about the work of regulators and government to control possible risks
- Special targeted campaign for separate groups of stakeholders
- One-way information campaign, including regular newsletters about the project, flyers and factsheets
- Information campaigns in Internet and new social media
- Two-way information communication where community and project team learn about concerns from each other, including questions and answers sessions, community meetings, interactive websites, feedback questionnaires

NGO recommendations

National

- Improve national understanding of the benefits of renewables integration and its challenges.
- Improve national understanding of the benefits, costs and risks of technical options (OHL/ cable) and the related challenges.
- Increase access to/transparency regarding load flow data and methodologies used to establish the technical need case.
- Facilitate understanding of the national context that creates the need for the project.
- Assess alternatives to national grid development and communicate results.

Corridor

- Increase openness regarding possible alternatives to developing a new corridor (or to implementing the pilot project)
- Increase openness regarding possible corridor alternatives
- Facilitate stakeholder and public understanding and opportunities to influence corridor choice
- Facilitate understanding of the regional context that creates the need for the project corridor.

Route

- Improve methods to communicate how detailed routing options are developed, and how stakeholders' views, plus the costs, benefits and risks of the available options, will be taken into account in detailed routing.
- Facilitate stakeholder and public scrutiny and input to defining the detailed routing within the preferred corridor.
- Facilitate understanding of the local context that creates the need for the project's routing.

3.2 Environment

Desired outcome and specific guiding principles

The public, stakeholders and independent experts are more confident that adequate steps have been/ will be taken to protect the natural environment, landscape and human health.

Specific guiding principles for environment:

- Consider environmental protection at all levels and stages of planning
- Look to avoid impacts and for sustainable / win-win solutions before considering trade offs
- Take an evidence based and precautionary approach: demonstrate using real data what the impacts will be relative to an empirical baseline and relative to alternatives.
- Involve knowledgeable stakeholders and citizens in identifying environmental risks and solutions, and in assessing alternatives.
- Seek to incorporate elements of environmental enhancement in project design.

Challenges

- People are increasingly defensive of their local environments, and increasingly well organised in campaigning to protect them.
- Environmental legislation requires complex and time consuming procedures.
- The 'environment' includes many issues, and there may be trade-offs (e.g. between landscape protection and wildlife protection).
- Large areas of Europe are designated for one or several environmental features (wildlife, landscape, heritage and so on) making total avoidance difficult or impossible in many cases.

Opportunities

- Often solutions can be found that are environmentally benign or even positive.
- Explaining positive environmental aspects, e.g. climate change mitigation, can help increase overall environmental acceptability.
- Procedures for environmental protection not only help reduce likely impacts, but also provide opportunities for public participation and for consideration of alternatives (which helps establish need).
- Advance planning and consideration of alternatives at a national or regional level (e.g. through SEA) helps to identify win-win solutions (minimizing trade offs) and to justify good (or 'least bad') solutions.
- Protected areas usually have stated objectives and management plans: if some negative impacts will occur there may be opportunities to take other actions that serve those objectives, ideally resulting in 'no net loss'.

Existing legal requirements and standard practice

- SEA
- EIA
- Habitats and Birds Directives
- Water Framework Directive
- Marine Strategy Framework Directive

- EMF regulations?

Existing good practice

- Consultation on the scope of environmental assessments, including with stakeholders (e.g. Tennet)
- Definition and assessment of realistic alternatives, including a 'best for the environment' option.
- Use of independent, qualified consultants to conduct impact studies
- National and regional SEA of grid plans with stakeholder input – e.g. Terna
- Field trips as part of environmental analysis
- Ecological enhancements in corridors (Elia, RTE)
- New pylon designs to reduce landscape impact (Tennet, National Grid)
- Bird impact risk mapping and remedial measures (BirdLife/ Mavir).

Successful actions taken in case studies

- Joint fact-finding study with NGOs, governmental organizations and project developers on impacts on environment and human health
- Chaired committee to bring stakeholders from business, civil society and government to discuss possible impacts on environment and human health and to find acceptable to all solutions
- Establishment of day-to-day monitoring of the project
- Public surveys on perceptions of environmental risks
- Movies about measures to control environmental risks
- Feasibility studies with environmental impact assessment including feedback from local people as well as from experts
- Ranking of environmental risks based on perceptions from local stakeholders about importance of this risk and its possibility to happen
- Public meetings and workshops to discuss environmental risks

NGO recommendations

National

- Use SEA to engage stakeholders and the public in environmentally-acceptable national network planning.
- Carry out/ contribute to mapping potential conflicts with Natura 2000 sites and species in national network plans.
- Make delivery of environmental enhancements as effective as possible, by involving stakeholders with key expertise in designing a national strategy for delivery.
- Seek to raise the parent TSO's standards for environmental protection above legal requirements.

Corridor

- Use SEA to identify corridor options with the least conflicts and trade offs, with stakeholder engagement and public consultation.

Route

- Take additional avoidance (e.g. undergrounding) or mitigation (e.g. bird deflector) measures on a precautionary basis to minimize impacts on birds e.g. outside protected areas.
- Implement avoidance, mitigation or enhancement measures on other lines or in other locations, where this will have greater (or significant additional) environmental benefits compared to local or line-specific adjustments.
- Respect and use local environmental knowledge held by citizens.
- Measure EMF levels and use innovative ways to communicate (absence of) health risks.

3.3 Benefits

Desired outcome and specific guiding principles

The public derives greater benefits from the pilot project, and/or greater understanding of those benefits, leading to increased acceptability.

Specific guiding principles for benefits:

- Work with local politicians and stakeholders to assess the needs of affected communities and how the action plan might help meet them.
- Establish fair and transparent systems for providing benefits to communities.
- Provide benefits that are valued by all and/ or accessible to all.

Challenges

- National regulators typically will not approve payments unless people are entitled to them for use of their land or as compensation for direct losses.
- How to fairly and consistently decide who is affected and should share benefits? Is someone whose view is affected by a line 2 km away entitled to benefit sharing?
- The developer may be accused of attempting to ‘bribe’ affected communities, or to ‘buy off’ the most vocal citizens and groups while neglecting those with the greatest needs.

Opportunities

- Regulators may be influenced to change rules to allow more benefit sharing, if the advantages are clearly demonstrated.
- Consistently applied rules for benefit sharing help prevent disputes about ‘who’ and ‘how much’
- Benefits can be in a form that is open to all and benefits all e.g. educational opportunities, leisure facilities, local environmental improvements.
- Local authorities can be asked to spend money in accountable ways for the benefit of their electorates.
- Transparency (e.g. a public register of benefit payments and their uses) will deflect criticisms of bribery.
- Opportunities to learn from experience in the renewable energy sector e.g. share ownership (Germany), provision of support to local authorities and communities to negotiate with developers (Scotland).
- Politicians and NGOs may be able to help communicate need.

Existing legal requirements and standard practice

- Land owner way leaves

- Compensation where property rights are affected
- Requirement to connect all generators: local job opportunities in generation

Existing good practice

- Little experience beyond legal requirements
- Lessons from wind industry

Successful actions taken in case studies

- To offer local stakeholders to choose from several alternatives for various landscape types, including urban areas or to integrate measures to improve landscape
- Material benefits for local communities in exchange for hosting facilities
- Co-ownership by local communities of projects and installations
- Large compensation projects with social and development orientation
- Employment of local people for all non-skilled and as much as possible skilled jobs
- Optimized utilization of local services

NGO recommendations

National

- Promote/ demonstrate community benefit payment schemes, for potential replication nationally
- Set up a national register of community benefit payments

Corridor

- Working with communities and local politicians, identify ways money available for benefit sharing can be pooled and used in a strategic way for greater gains (spreading it less thinly, for more significant gains).

Route

- Provide communities with independent facilitators to help them negotiate acceptable packages of benefits.