

Guidance document on hydropower development and Natura 2000

An overview of the general comments received

Background

- **Reactions to the draft obtained during March and April 2015.**
- **Comments received from institutions of 13 Member States, 8 representatives of energy business and 14 NGOs and experts.**
- **Whilst there was overall support and acceptance for the guidance, many mostly small suggestions for the text revisions were obtained.**
- **Also additional inspirational documents were provided for potential use in the final text.**

Basic characterization

- **The significant number of comments and suggestions illustrate well the seriousness with which the theme is taken.**
- **Business sector would like to include more specific instructions for investors and lighten the evaluation process for determining hydropower impacts on nature.**
- **On the other hand NGOs call for a stricter assessment of this influence and demand limits on hydropower development in Natura 2000.**

Procedure

- **We pay attention on compliance with the EU legislation and balanced examples presented in the document.**
- **Statements causing misunderstanding will be rewritten and summary tables deleted.**
- **Proposals for actual data are considered and discussed with experts.**
- **Relevant proposals for text (and case studies in boxes) changes are accepted.**

General comments to the text

- **The document is considered too long with some duplications (in the text and with other EC guidance).**
- **Proposals for new case studies.**
- ***The text will be shortened, duplications in the text avoided where feasible but with other EC guidance left, few case studies added.***

Acceptance of projects

- **Different statements on the question if all projects are compatible with the objectives of nature and biodiversity conservation if the investor fulfils certain procedures.**
- ***We are working with the legal framework which can allow hydropower development in Natura 2000 if it fulfils all the requirements.***

Providing basis for decision making

- **The document does not fully provide investors and operators on the one hand and licensing authorities on the other with a sufficient basis of decision making for the licensing or operation of hydropower plants in Natura 2000.**
- ***The document does not intend to be prescriptive and give a definitive answer but it rather provide some guiding principles to ensure that investors can assess and conclude the impact their project could cause. The strategic approach is given particular attention because of its many benefits also stressed in other EC guides (streamlining PCIS). However, it is up to MS and local authorities to decide if a strategic approach is then binding or not, only providing with elements to be taken into account (flexibility of the strategic planning approach). This is line with the principle of subsidiarity.***

Different conditions

- **Development of hydropower projects depend on country-specific hydrological potential. The document does not reflect sufficiently the major differences between natural heritage of different countries. Also there are significant differences between national legislation and locally implemented practices. Examples from more different areas should be given.**
- ***Context are different but rules/objectives are the same for all Member States (power of EU legislation). We included case studies from a broad variety of contexts and we will try to include other if needed, also trying to remind those contexts each time.***

Different types of hydropower

- **There is a need to deal more with differences between small and large hydropower.**
- ***There is no difference in the legal approach between small and large hydropower although the technical approach and specific assessemet of impacts can be different (that's also why the chapter on strategic planning take the particular issue of cumulative impacts into account).***

Using existing dams and weirs

- **A possibility of using existing dams and weirs for electricity generation in Natura 2000 areas does not come out strongly according to representatives of the energy business.**
- ***We will emphasize possibility of using existing dams and weirs (new case studies/best practices are welcomed). Upgrading/modernizing existing hydropower plants could be one of the means for a sustainable hydropower development.***

Interconnection with EU legislation

- **Multiple comments accentuate the importance of interconnection with ecological requirements of Water Framework Directive, Eel Regulation and other EU pieces of legislation.**
- ***It is already taken into account in specific chapter, detailed description of legislative interconnections is not the core of the document. More links to other documents will be added. The guidance document is focussed specifically on the Nature Directives.***

Annexes

- **Several habitats and species from Annexes I and II, particularly sensitive to hydropower are not mentioned or listed in the annexes of the guidance.**
- ***A lot of proposals for addition is necessary to take into consideration (e.g. peatland habitats, bryophyte flora, wet woodland, amphibians, species nesting in river banks or on gravel sediments in river valleys etc.).***

EC Consultation meeting
8/7/2015 Brussels

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Strategic planning



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environment

Do you welcome and/or use wildlife sensitivity maps and zonation?

Does the timely involvement of the public has a positive effect on the speed or complexity of a decision-making process?

Could sensitivity maps be based only on existing species distribution?

What 'win-win' solutions do you know?

How to use synergies with data collection, assessments and planning done for WFD implementation?

What basis for decision making are you missing in the document?

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Impacts of hydropower on Natura 2000



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environment

Could be some generalization of impacts made (e.g. by type of hydropower technologies) or is the case-by-case always necessary?

How are you dealing with a degree of significance assessment?

What negative impacts of hydropower development on Natura 2000 sites do you know in cases located outside Natura 2000?

How to deal with assessing connectivity issues and cumulative effects?

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Mitigation measures



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What mitigation measures do you consider to be crucial?

What fish-friendly technologies are tried and tested? What are your experiences?

How to ensure mitigation during construction phase?

Could be conventional technologies also fish-friendly?

Do you know examples of the good practice for ecological (residual) flow requirements?

Are fish passes optimal mitigation measures for ensuring fish migration?