

ECOLOGICAL EDUCATION FOR PERSONNEL EMPLOYED IN LOCAL SELF-GOVERNMENTS IN THE PROCESS OF EVALUATION OF INVESTMENTS IMPACT ON PROTECTED AREAS NATURA 2000

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Abstract

The subject of the study is the factual knowledge possessed by the officials employed in local self-governments and its importance in terms of the process of evaluation of the impact of investment projects on protected areas Natura 2000. Pursuant to applicable Polish laws containing provisions introduced in connection with the necessity to adhere to EU Directives, the entity responsible for execution of aforesaid evaluation and for issuance of the decision based on this evaluation and permitting for project implementation varies in accordance with the type of the project. Self-government authorities of communes which are the smallest administrative units in Poland are duly authorized units in this scope de facto in case of the majority of projects implemented in rural areas but not in case of those implemented within Natura 2000 areas. However on the other hand, we should consider the problem of indirect impact of planned objects on protected area. In such situations much depends on attitudes and decisions made by local officials.

The article will refer to the results of research carried out in the group of officials acting as communes management in Lubelskie Voivodship situated in south – east part of Poland. Particularly, the conclusions will be presented which relate to the skills development by self-government personnel. In future, these skills will facilitate the correct understanding and making the correct decisions in terms of widely understood local development in compliance with the requirements in the scope of environmental protection in Natura 2000 areas.

Keywords: natura 2000 areas, ecological education, local self-government

1 INTRODUCTION

According to European Union Directives, all member states in the Community are required to supplement their legislations with regulations imposing the obligation to perform the environmental impact assessment for intended investment undertakings. Protected areas with more rigorous assessment procedures are treated separately because the activity conducted in such areas is normally subject to various type of limitations. In recent years, a new form of spatial nature protection has been established in Europe under

Natura 2000 programme. Obviously, the percentage of these areas in the total surface areas of individual countries is diversified. Nevertheless it is always significant and creates a big challenge for development managing entities on various self-government levels. The Pan-European ecological network in Poland encompasses approximately a fifth of our country and the scope of entities which are authorized decision makers in case of investments to be implemented in its close vicinity encompasses among others the lowest level of local self-government managing administrative units called communes. In order to make the good decisions, the officials must have factual knowledge of subject matter and should be sensitive to the issues associated with the protection of natural resources, particularly those protected by applicable laws.

The present article describes the legal conditions concerning the issuance of environmental decisions and execution of environmental impact assessments clearly emphasizing the role of local authorities in those processes and the importance of qualifications possessed by officials representing these authorities. Empirical part contains among others the results obtained from research carried out in the group of persons managing the works carried out by commune self-governments.

2 LEGAL BASIS FOR EXECUTION OF ENVIRONMENTAL IMPACT ASSESSMENTS

The system of environmental impact assessments is directly derived from the European Union legislation and particularly from:

- directive issued by the European Parliament and Council 2011/92/EU on 13th December 2011 concerning the assessment of impacts caused by some public and private undertakings on environment.
- directive issued by the European Parliament and Council 2001/42/EC on 27th June 2001 concerning the assessment of impacts caused by some plans and programmes on environment
- directive issued by Council 92/43/EEC concerning the protection of natural habitats as well as wild fauna and flora (Habitat Directive).

The first document specified above determines the general rules in the scope of assessments. Among other things, the document states that all projects which may lead to significant impacts in environment should be in principle subjected to systematic evaluation. However, in case of other projects, the member countries can establish the thresholds and criteria determining which ones should be evaluated due to severity of their environmental impacts (Official Journal of European Union, 2012). The directive issued in the year 2001 contains the solutions concerning the assessment of plans and programmes in the framework of strategic assessment of impacts (Official Journal of European Union, 2001). Habitat Directive which is the key directive in terms of protection of areas Natura 2000 defines the following terms: protection, natural habitat and conservation status of natural habitat. The appendices contain the types of habitats which are important for the Community, because it is required to determine special protection areas in order to protect these habitats (Appendix I); plants and animals species requiring determination of special protection areas (Appendix II), criteria for selection of territories which can be qualified as the territories important for the Community and for their designation as special protection areas (Appendix III); plants and animals species important for the Community and which require strict protection (Appendix IV), plants and animals species important for the Community when the capture and exploitation of these animals in the wild may be subject to management measures (Appendix V); prohibited methods and measures of capture and killing as well as transport means (Appendix VI) (Official Journal of European Union, 1992).

The issues associated with the assessments of environmental impacts in Poland are governed by applicable laws, particularly by the act of 3rd October 2008 on Access to Information on the Environment and Its Protection, Participation of Society in the Environment Protection and in Environmental Impact Assessments (Journal of Laws, 2008). In the present document it has been assumed that an undertaking which is likely to have significant effects on Natura 2000 area and is not directly associated with the protection of this area or does not result from this protection (art. 59) belongs to the types of projects to be assessed..

3 LOCAL SELF-GOVERNMENTS IN THE PROCESS OF EVALUATION OF INVESTMENTS IMPACT ON NATURA 2000 AREA IN POLAND

The competent bodies authorized to issue the decision on environmental conditions for project implementation and consequently authorized to carry out adequate assessment of the impact of contemplated project on environment are specified in Article 75 of the Act issued in the year 2008. Such decision (also called environmental decision) is usually preceded by the assessment of environmental impact. Depending on the type of project, these powers can be vested in various entities e.g. heads of communes who are communes managers and perform the role of decision making body normally in case of

majority of planned investments in rural areas.

Submitted applications are qualified by the local officials deciding what will be the type of procedure to be followed. The phase of so called screening is considered to be extremely important because the decision prejudge the question of whether and how the contemplated project will be assessed. This is particularly associated with the decision of whether it is necessary to prepare an environmental impact report and with the determination of the scope of this report. The environmental impact report is treated by the majority of representatives of non-governmental ecological organizations as a simply indispensable study in terms of the assessment reliability although this document is not required by law in case of certain types of projects.

The projects which are likely to have significant effects on Natura 2000 area constitute a separate type of undertakings with the environmental impact to be assessed by the regional director for environmental protection who represents the non-governmental body. However, it should be added that, pursuant to Article 96 of the act issued in the year 2008, the competent body issuing the environmental decision is required to consider whether intended activities are likely to have effects on Natura 2000 area. Only then submitted application can be handed over to the director referred to above with accompanying materials.

The role of the local self-government which is extremely important in terms of assessment process quality is to take care to properly consider the areas protected in the framework of ecological network in the spatial development plans which also means that the natural potential existing in this area will be correctly identified. In accordance with applicable Polish laws, each spatial development plan and particularly so called local spatial development plan should be accompanied by the determination of environmental protection principles. The local spatial development plan must determine not only intended use of individual areas but also the boundaries as well as methods of development for the areas and objects to be protected and particularly the development conditions and limitations of use. It should be emphasized that the local spatial development plan draft is subject to strategic assessment of environmental impact and that the scope and the level of detail of forecast shall be coordinated by the commune head, mayor or president with other properly empowered institutions (Kistowski, Pchałek, 2009, p. 8). Unless there is any development plan for specified area, the investors will submit an application requesting the issuance of land development decision most often considering the environment needs marginally or not considering them at all. In Poland, this situation still exists in the majority of areas used for implementation of various projects. For example, in the year 2010, there were local plans in more than 90% of total number of communes. However, considering their surface area, this percentage was much lower and was equal to 26,4% only (Prus, 2012, p. 128). The eco-physiographic studies are also prepared for documents with wider special range. Unfortunately, these studies are often characterized by worse quality. The research carried out by the Author in the year 2008 in the territory of Lubelskie Voivodship showed that a large part of local self-governments treated the statutory enactment concerning the preparation of the study of conditions and directions of spatial development of commune mainly as a formal requirement. From the answers given by the respondents in questionnaire it appears that about 40% of communes without wildlife inventory prepared their studies on the basis of old development plans. Their assumptions have been simply used in the new version of this document (Witkowski, 2010, p. 85).

It is extremely important to prepare the environmental impact assessment (regardless of entity which is responsible for its execution in specified case) on the basis of reliable information and data referring to valuable natural objects and ecosystems existing in specified area. The best method is the execution of wildlife inventory referred to above, particularly in order to (Kistowski, Mieńko, 1998, p. 24-25):

- extend and update the resource of information about resources, values and condition of natural environment;
- supply natural information for all planning studies characterized by spatial features;
- gather data constituting the basis for applications requesting the protection for objects and areas for nature protection administration on the voivodship and commune level;
- supply natural information for the lowest level of self-government administration in order to ensure the greening of spatial policy of local area authorities;
- inform (educate) the inhabitants and non-governmental ecological organizations from specified area in the scope of resources and values of natural environment and their transformations leading to increase of ecological awareness.

Owing to the types of source materials which are necessary for preparation of stocktaking (various types of maps, aerial photos, archival resources in many institutions), commune offices are the natural locations

gathering relevant documentation or their opportunities in this scope are higher. It has to be admitted that recently the natural valuation is initiated more frequently by the local self-governments concluding corresponding contracts with specialized companies and, at least partially, financing this type of projects.

The creation of Natura 2000 areas in Poland in the framework of Pan-European network of protected areas, from the beginning has caused much controversy mainly due to the fact that very often these areas were seen by commune officials in terms of incurred costs and lost benefits associated with introduced changes. Also at the present time, there is no warranty of protection plans effectiveness in applicable regulations, especially since a strong aspiration for widely understood infrastructural development on local level. It should be also added that, which is also important in terms of previously discussed spatial planning problem, in many cases the self-governments in communes do not have full information about the elements of ecological networks existing in the areas under their jurisdiction. The list of the owners of real estates with Natura 2000 areas is particularly important because the cooperation with them should be established. Its lack may negatively affect the consideration of Natura 2000 development plans of communes and, in most extreme cases, may even lead to intensive development in protected areas.

As already mentioned, commune heads have the direct influence on how the environmental impact assessment is carried out when he / she performs the role of decision maker issuing the environmental decision in case of application not affecting Natura 2000 area. The following issues seem to particularly vulnerable points of assessment procedure: treatment of opinions issued by external institutions and assurance of society participation in proceeding. In the first case, the commune executive body may have arbitrary approach to specified matter without considering the results of consultations or, in contrary, almost uncritically accept all materials obtained from appraisal institutions. For example, in the report prepared in the year 2008 by the Stowarzyszenie Pracownia na rzecz Wszystkich Istot [Workshop for All Beings] it has been stated that the majority of head communes and mayors in the communes encompassed by monitoring (from Małopolskie, Silesian and Podkarpackie Voivodships located in south part of Poland) imposing the obligation to prepare the environmental impact report for the project, used mainly the opinion obtained from appraisal institutions (Starosts, Voivodes, state powiat sanitary inspectors) (*Kwalifikowanie przedsięwzięć*, 2008, p. 26). As regards the cooperation between self-government administration and non-government organizations and local community, it is possible to refer to the conclusions from the study prepared by the Public Affairs Institute e.g. stating that (Kassenberg, 2015, p. 66):

- formalistic approach to applicable laws prevails in the proceedings with society participation;
- gathered documentation is not used in order to improve the activity standards
- in certain cases the administration is allowed to limit the society participation under applicable laws;
- it is possible to increase the effectiveness of non-government organizations participation in proceedings

4 ECOLOGICAL EDUCATION VERSUS COMMUNE OFFICE

The majority of decisions made in commune offices affects the ambient environment one way or another. This refers not only to those activity aspects which have been discussed above but also to the decisions issued every day e.g. the permits for felling of trees. It is important that the persons acting as the decision makers should be sensitive to the environment needs. Proper education and readiness for continuous upgrading of qualifications in the fields associated with environment management can contribute to achievement of this goal.

The ecological education is a concept of education and learning in the spirit of respect for natural environment and shaping of attitudes towards surrounding world (Buchcic, 2009, p. 204). Therefore it is possible to understand that humans are the part of certain system except of environment and culture (Stapp, 1969, p. 34). In case of its reference to the commune office, the education can be perceived as an element of pro-ecological culture of an organization where the trainings for employees and authorities in the scope of environment protection and functioning of protected areas are an example of the shaping of aforesaid pro-ecological culture on operational level (Guzal-Dec, 2016, p. 239). In day-to-day work of the offices, the scope of ecological education encompasses the transfer of information about statutory principles of environment use as well as indication of alternative possibilities of problems solution or achievement of intended goals, indication of model solutions implemented in vicinity or transfer of current information about environment pollution status. Personnel education program addressed to the employees working in offices, authorities and councillors should be the first and essential element of the education system ensuring access to "ecological" topics described and focused to the working practices of the office and actual tasks determined on national and regional level (Kozakiewicz, 2006, p. 172)..

5 DISCUSSION OF RESEARCH RESULTS

At the turn of 2012 and 2013, the research was carried out by means of diagnostic poll method and questionnaire form. The answers to closed questions have been given by 110 communes heads managing the smallest administrative entities in Lubelskie Voivodship situated in the south – eastern part of Poland. The issue of education and qualifications upgrading was also included. From the answers given by the respondents it appears that although there are competent departments or equivalent organizational unit responsible for environmental protection problems in communes on – day – to – day basis, they usually employ only one person with education in the scope of environment protection or those who underwent a training in this scope. This option was indicated in 60% of answers given in questionnaire while the number of properly educated officials in the interval of 2-5 was indicated by 36% of respondents (Fig. 1).

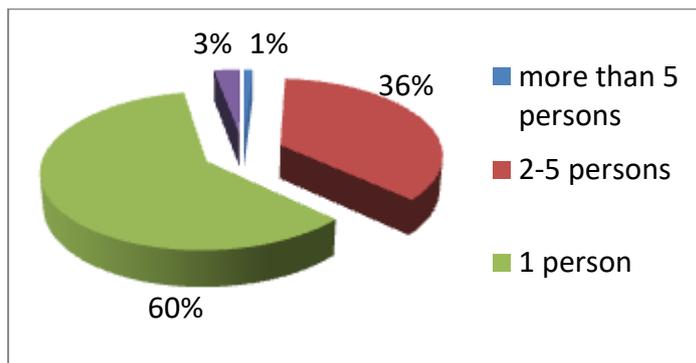


Fig. 1. Number of persons with education in the scope of environment protection or those who underwent a training in this scope employed in commune office (% indications)

Source: Own study

A separate paragraph of questionnaire contained the question concerning the need of upgrading of qualifications of self-government officials. The respondents were given the opportunity to select the following topics of potential trainings for office employees: planning and implementation of sustainable development policy, natural compensation, renewable energy sources and biodiversity protection. Two issues i.e. natural compensation and biodiversity protection seem to be particularly important from among the issues specified above in terms of ecological education in the context of execution of assessment of environmental impact of the projects. However, it turns out that they are relatively less popular among communes heads who, generally accepting the necessity of the enhancement of widely understood pro-ecological knowledge (in the opinion of 95% respondents), would be rather willing to direct their employees rather to trainings in the scope of renewable energy sources (71% of respondents) and in the scope implementation of sustainable development policy (47% of respondents). Only every fifth respondent was interested in the enhancement of knowledge associated with methods of biodiversity protection and the percentage of answers for variant with natural compensation was lower (16%) (Fig. 2).

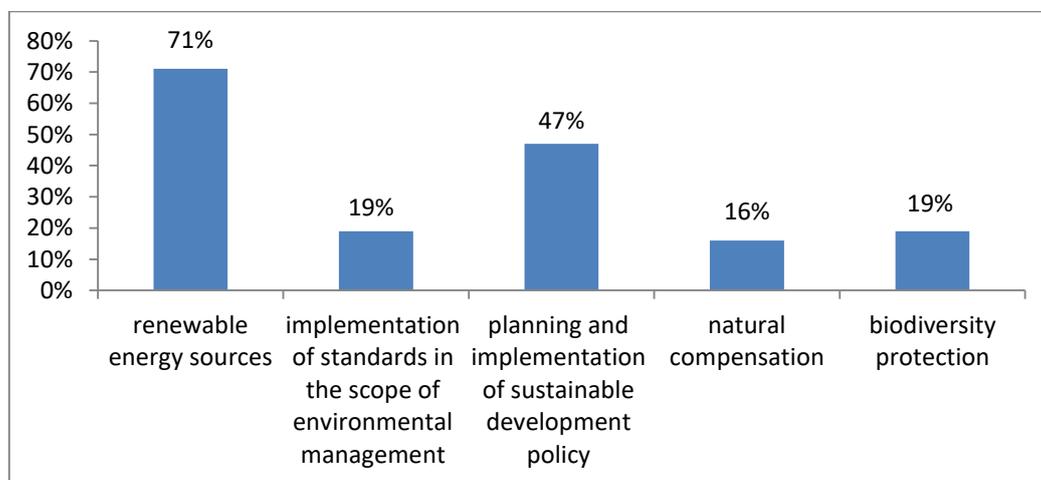


Fig. 2. Topics of trainings in the scope of environment resources management (% of indications)
 Source: Own study

6 SUMMARY

Many obligations directly or indirectly associated with assessments of environmental impact of the projects rest on the shoulders of self-governments and the lack of proper factual preparation combined with indifference to environmental issues may lead to various irregularities and potential damages to environment resulting therefrom. Therefore, the ecological education of self-government employees is particularly important in this context. This education should make a key contribution to the improvement of quality and reliability of analyses carried out in the framework of the assessment. Research carried out by the Authors et al indicate that there is still a great deal to be done in this field. Nevertheless, some positive prerequisites make it possible to approach the future with moderate optimism.

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