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Land take in environmental assessments: Recent advances and persisting challenges in selected EU countries

Project SURFACE

SURFACE Virtual Symposium
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Focus on land take within Environmental Impact Assessment (EIA)

Changes in list of factors, Art. 3 EIA Directive:

- a) human beings, fauna and flora;
- b) soil, water, air, climate and the landscape;
- c) material assets and the cultural heritage;
- d) the interaction between the factors referred to in points (a), (b) and (c).

- a) population and human health;
- b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- c) **land**, soil, water, air and climate;
- d) material assets, cultural heritage and the landscape;
- e) the interaction between the factors referred to in points (a) to (d).

Aim: better understanding of national transposition + implementation of Directive 2014/52/EU

Does the inclusion of the factor land make any difference?

Research Questions

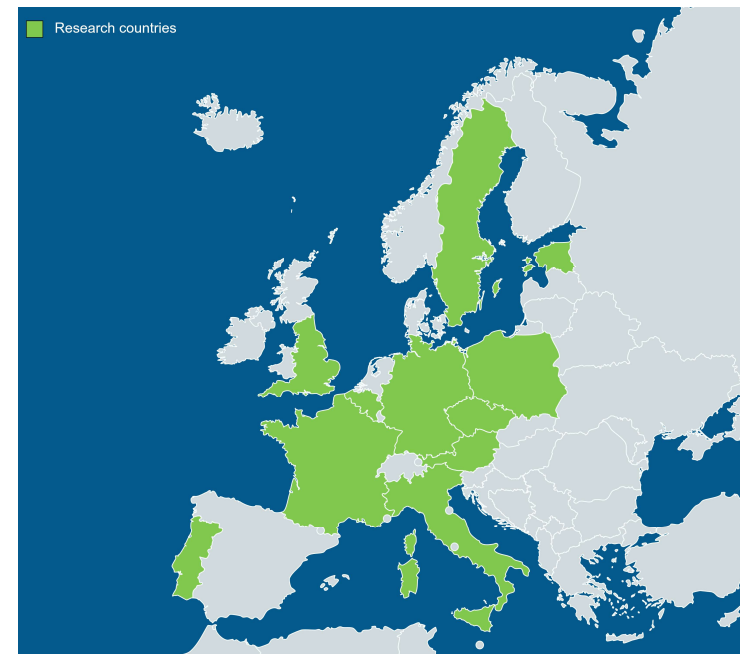
- How was Directive 2014/52/EU transposed into domestic law?
- How did the national EIA change in context of the factor 'land'?
- How are 'land' and 'soil' distinguished from each other?
- What do national experts expect in regard to the practical implications of the factor 'land'?

Methods

Expert consultation, Literature and policy analysis

Included countries:

Austria, Belgium, Czech Republic, Estonia, France, Germany, Italy, Poland, Portugal, Sweden and the UK (England)



Transposition of Directive 2014/52/EU and the factor ‘land’

Timely transposition:

- France
- Italy
- Poland

Delayed transposition:

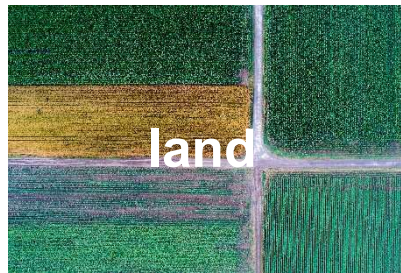
- Belgium
- Germany
- England
- Estonia
- Austria
- Portugal
- Sweden
- Czech Republic

| | Official EU translation of ‘land, soil’ in Art. 3 I c) | Terms in national law |
|-----------------|--|---|
| Austria | Fläche, Boden | die in Anspruch genommenen Flächen, der Boden <i>land take (pl.), soil</i> |
| Estonia | maa, muld | maa, pinnas <i>land, soil</i> |
| Poland | grunty, gleby | gleby, powierzchni ziemi <i>soil, earth’s surface</i> |
| Portugal | terra, solo | o território, o solo <i>land, soil</i> |

Is there a clear distinction between 'soil' and 'land'?

Result: Linguistic and conceptual conflation in many countries;
often 'land' is not treated as separate factor

Generally used criteria of distinction: **Quantity** and **quality**



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Problem: Qualitative implications of 'land' are missed

Practical implications of the factor 'land' in the EIA

Impact:

- Currently: No
- In the future: Yes

„The explicit inclusion of land is a powerful signal of its importance and therefore most welcome.“

„... will make a difference, because it may increase attention to this aspect.“

„...starts a process of spreading awareness on the importance and on the value of land and soil.“

Persisting Challenges

Systemic challenges:

- Weaknesses in EIA systems and follow ups
- Historic building rights
- Adverse incentives in planning systems

Challenges related to factor 'land':

- Missing definitions and operationalization on European level
- No reference to land take targets
- Insufficient consideration of cumulative land take
- Negative impacts on land do not lead to project modification

Thank you for your attention!



References

Schatz, E., Bovet, J., Lieder, S., Schroeter-Schlaack, C., Strunz, S., Marquard, E. (2021): Land take in environmental assessments: Recent advances and persisting challenges in selected EU countries. *Land Use Pol.* 111, 105730.

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