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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

30th meeting
Strasbourg, 6-9 December 2010

Possible File:

**Wind farm threat to wildlife in Alta Maremma, Grosseto
(Italy)**

REPORT BY THE GOVERNMENT

*Document prepared by:
the Ministry for the Environment, Land and Sea, Italy*

POSSIBLE CASE FILE “WIND FARM THREAT TO WILDLIFE IN ALTA MAREMMA (ITALY)”
***Governmental Report prepared by the Ministry for the Environment, Land and Sea for the
30th Standing Committee Meeting (Strasbourg, 6-9 December 2010)***

Introduction and background information

In May 2010 the Bern Convention Secretariat asked the Italian Ministry for Environment for updated information about concerning plans for the construction of wind farm turbines at Roccalbegna (in the Province of Grosseto) and especially to clarify the question of cumulative impacts with the wind farm already existing at Scansano (also in the Province of Grosseto).

Besides, the Secretariat asked if this project is liable to have an impact on the near Regional Park of Maremma, which is a European Protected Areas Diploma site.

The letter was received by Ministry for the Environment, Land and Sea at the end of month and the Secretariat was informed that the Ministry would have soon asked for information from authorities and bodies involved in the matter and these information would have been sent to Secretariat as soon as received.

After receiving the letter, the Ministry soon asked for information from authorities and bodies involved in the matter, but unfortunately information arrived too late for the Bureau meeting of September 2010.

The Italian legislation about Environmental Impact Assessment establishes that assessment for wind farm turbines shall be carried out at Regional level according the specific Regional legislation and relative procedures. In case of Tuscany Region, some parts of procedure are put in charge of Provinces.

This report takes in account the information received from the major Administrations and Bodies involved in the matter: Tuscany Region, Province of Grosseto, Regional park of Maremma, national High Institute for Environmental Protection and Research (ISPRA).

This report will deal with 3 items:

- State of the play for the construction plans of a wind farm at Roccalbegna
- State of the play for the existing wind farm at Scansano
- Possible impact on Regional Park of Maremma

Construction plans of a wind farm at Roccalbegna

Enel Green Power SpA submitted, on 23.11.2009, a project to build a wind farm called Poggio Castelluccio - Podere Montebello with power of 12 MW.

The project has been undergone to Environmental Impact Assessment procedure according current legislation (D. Lgs. 152/2006 art. 23 and ff.).

The regional department responsible for EIA procedures, in consultation with all regional sectors concerned, on 23.3.2010 asked the proponent to submit further additions to the documentation already presented. In the request it was specified that additional documentation was to be sent to the appropriate offices within sixty days, extendable for a further maximum period of sixty days if requested by the applicant.

Updated to 10.06.2010 the company has neither submitted the requested additional documentation nor has asked for time period extension. Therefore, according to regional law (LR 10/2010, art. 57, para 2) "there shall not be further prosecution of the assessment, and the competent authority, through a specific formal act, shall express refusal of authorization."

Existing wind farm in Scansano

The Scansano existing wind farm is not located in any Site of Community Importance (SCI). The closest SICs are about 10 km far from the plant site. At a smaller distance (1.6 km) there is a site of regional importance, yet falling outside the Natura 2000 network.

Since the first application (2004), the project was accompanied by a ad-hoc study of environmental impact, which was evaluated by the competent offices of the Region.

The project was subdued to a “screening procedure” that assessed there were no significant effects on habitats and species of flora and fauna present in the concerned regional and community sites. Therefore, the regional EIA Office – based on all opinions expressed in the various disciplines (climate noise, non-ionizing radiation, soil and subsoil, vegetation, flora, fauna, landscape, etc.) – in accordance with regional legislation (LR 79/98, art. 11) excluded the project from the EIA procedure.

In 2005, at the end of this procedure, the plant was authorized by the Province of Grosseto and realized by Poggi Alti Wind Farm Srl.

However, in full respect of the precautionary principle, the project received specific requirements to mitigate any impacts on birds and bats, since the sole possible interference is related to the risk of direct collision.

These requirements – taking into account the presence in the sites concerned of a large number of bird species having conservation interest, some listed in the Annexes of EC Directive 79/409 – included, in particular, a detailed monitoring plan, to be approved in advance by the competent offices of the province of Grosseto, lasting not less than 3 years with the definition of critical levels of mortality.

Based on the findings coming from the monitoring, the company was required to provide the interventions that will be identified as necessary by the Province, including stopping the turbines during periods when the number of deaths exceeds one or more thresholds.

Nevertheless, shortly after the first starting of functioning of wind farm, an environmental NGO and a local land owner brought the permit before the Regional Administrative Court that, in 2007, canceled the authorization.

This led to the precautionary suspension of the wind farm and to further detailed investigations on populations of birds in the surrounding area within a radius of 10 km.

These investigations started in 2007 and were based on collecting of monitoring data coming from campaigns undertaken in years before the construction of the plant (2000-2006) and integrated with field surveys data realized from November 2007.

On the basis of such further investigations a "Supplementary study for the survey of birds in the period prior to construction of the plant with regard to the quantitative and qualitative assessment of the impact induced on bird species and habitats", prepared by experts and ornithologists naturalists, was developed.

From information contained and analyzed in this study, which took into account also the home range of the most sensitive species, the insignificance of impacts on habitat and birds population was confirmed.

This procedure led to a new authorization – this time issued by Tuscany Region – for the construction and the functioning of the Poggi Alti wind farm, keeping confirmed the requirements already expressed in the previous authorization.

In the meanwhile, the State Council – acting as superior Administrative Court – had partially overturned the decision taken by the Regional Administrative Court on the first authorization, acknowledging the compliance with current legislation on EIA of the procedure used for this plant. It worths a mention that in the trial before the Council of State, another environmental NGO intervened in support of the authorization issued for the wind farm.

In the end, it is remarkable to report that also the second authorization given by the Region was challenged before the Regional Administrative Court, and this time, in February 2009, the Court rejected the appeal declaring that the EIA legislation had been properly respected.

Possible impact on Regional Park of Maremma

Both the sites of wind farms of Roccalbegna and Scansano are about 40-45 Km from the Regional Park of Maremma.

The Park has not been involved in permission procedure for the wind farms because the plants are not even included in its “contiguous area” (buffer zone).

In view of the long distance between the Park and the sites of wind farms, all impacts on landscape, land use, hydrography, flora and wildlife can be excluded.

As regards migratory birds, the Regional Park of Maremma, while hosting important staging areas for waterbirds, yet can't be considered a major bottleneck for land bird migrants and the current definition of the studies on flyways (Atlas of Birds Migration in Italy - 2008) is not able to assess an effect on disturbances at so long distance.

Conclusions

The production of wind power is currently unanimously considered a satisfactory answer to the need of reducing greenhouse gases in the atmosphere and reduce dependency on non renewable energy sources.

However, the characteristics of wind farms can bring significant impacts on several environmental components (landscape, noise, land use, birds, bats, etc.,) and is therefore appropriate their construction being carried out under strict environmental safeguards.

The Italian legislation, in compliance with the European Union legislation, requires that wind farms projects are subdue to a “screening” procedure (aimed to assess whether the possible impact of the environment need a complete Environmental Impact Assessment procedure) and, if necessary, to a full EIA procedure.

For both plants, the authorization process has followed the legislation on EIA. The correctness of procedure, in the case of Scansano, has been confirmed also in two administrative courts.

As regards Scansano, the plant was authorized after a “screening” procedure and the authorization provided for a number of requirements, among which a specific monitoring campaign on birds is notable.

As regards Roccalbegna, a full EIA procedure has been started but at this moment the procedure seems expected to be ended without any authorization for the withdrawal of the proposal by the proponent.

As regards the possible impacts on Regional Park of Maremma, the long distance between the Park and the sites of existing and planned wind farms brings to excludes any scientifically demonstrable impact.