

16.9.2009 / Sari Lajunen

# ENVIRONMENTAL LAW AND ROAD MANAGEMENT in Finland

*- 6th Conference on Roads and Regional Development,  
September 2009, Sinaia, Romania -*

**Sari Lajunen, lawyer**

**Finnish Road Administration (Finnra)**

**- 1.1.2010 Finnish Transport Infrastructure Agency**

[www.tiehallinto.fi](http://www.tiehallinto.fi)

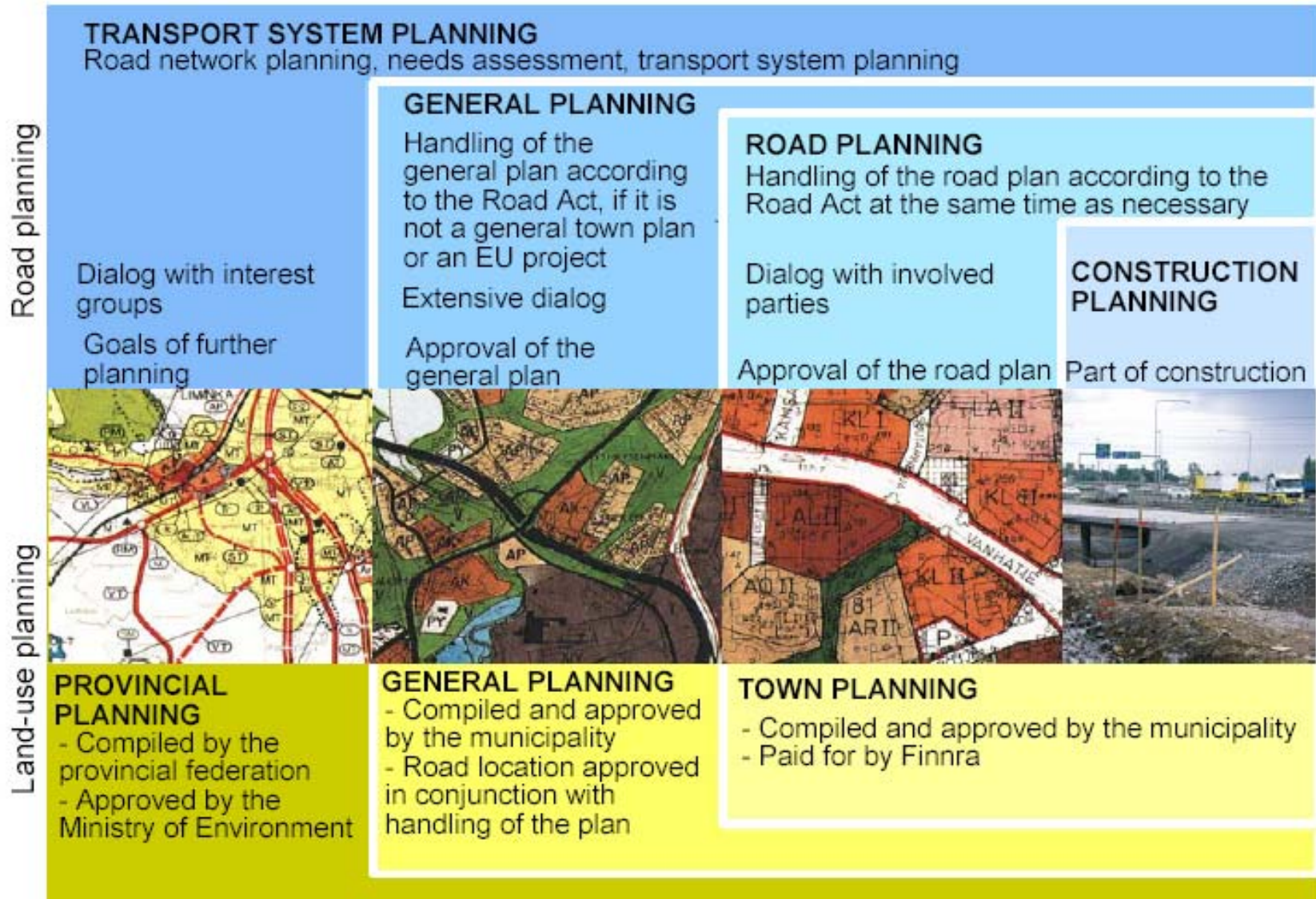


## My presentation

- Road planning
- Land use planning
- Environment impact assessment (EIA)
- Nature protection in road projects
- Traffic noise
- Environmental damages in road projects
- Recycling vs. clean raw materials - challenges
- Monitoring

## Road Planning

- Highways Act - new law 1.1.2006.
- Planning instruments in law: general plan, road plan (preliminary and final engineering plan).
- Interaction with administrative sector and with public.
- Official statements from regional environmental centre, regional council and municipality, and from other authorities when necessary.
- Informing and hearing the audience. Newspaper, internet (big projects), consultation (face to face with public). Public viewing of the plan for 30 days.
- Compatible with land use plans. No contradictions between road plan and land use plan.
- It's important to clarify environmental and other impacts.
  - Other impacts are for instance impacts on road and transport conditions, road safety, land use, real estate structure as well as the health, living conditions and environment of people.



**Dia 4**

---

**lajunsa1**

**Preliminary engineering plan and Final engineering plan.**

Lajunen Sari /KH; 17-08-2009

## Land Use Planning

- Compatibility between land use planning and road planning is important.
- The road alignment is decided in the land use plan. General or road plan must then be based on land use plan when such plan is approved.
- All land use plans must be founded on sufficient studies and reports. The environmental impacts and other impacts must be assessed to the necessary extent. Some impacts can be assessed either during land use planning or road planning.
- Land use plans have a hierarchy :
  - National land use objectives - decided by the Council of State
  - Regional land use plans - approved by the regional council
  - Local master plans - approved by the local council
  - Local detailed plans - approved by the local council

## Environmental Impact Assessment (EIA)

- EIA legislation in Finland is based on EIA-directive (85/337/EEC)
- Major road projects need to be assessed by procedure of the EIA Act:
  - construction of motorways and motor traffic way
  - construction of a new road of 4 or more lanes when such road would be 10 km or more
  - realignment and/or widening of an existing road to provide 4 or more lanes when such section of road would be 10 km or more in continuous length
- Before or together with general road plan.
- The environmental impact assessment procedure means to integrate environmental assessment into the road planning project, public participation and access to information in environmental matters by the public.
- The assessment is carried out by the one who is responsible for the project.
- If the EIA procedure is not needed, environmental studies will be based on the Highway Act. All important impacts of road project must be assessed.

## Nature Protection in Road Projects

- Nature Conservation Act – Habitats directive (92/43/ETY) and birds directive (79/409/ETY)
- National nature protection areas
- Natura 2000 -areas (EU network)
- Natural or cultural landscape
- Natural monuments - like single tree, group of trees, erratic boulder or other corresponding natural formation. Beauty, rarity, scenic value, scientific interest.
- Important habitat for species under strict protection.
- Breeding and resting places used by animals in Annex IV (a) of the Habitats directive (destruction and deterioration).
- Need to avoid harming and disturbing protected animals and plants, in so far as this is feasible without substantial additional expense.
- Special Finnish natural habitat types
- Small water units (Water Act)

## Traffic Noise

- Both in land use planning and in road planning traffic noise shall be assessed and the necessary noise control measures identified.
  - The responsibility is divided. The traffic noise reports in land use planning are quite general, in the road planning process they are more precise.
  - In Finland about 350.000 inhabitants live in traffic noise zones.
  - The environmental noise directive 2002/49/EC has brought a new procedure for assessing traffic noise. The noise map and the noise abatement action plan must be drawn up every 5 years.
    - Next round 2012 - 2013.
- ⇒ Finnish experts hold that the real implications and interpretation of the directive are not very clear.

## Environmental Damages in Road Projects

- Avoiding, mitigating and compensating harmful environmental impacts.
- Making restitution:
  - doing positive actions in-situ or off-site in nature because of negative impacts of road project. No legal rules in Finland (except Natura 2000). Not question about financial compensation. An example could be restoring some natural habitat type.
  - In Germany there is longer tradition to make restitutions (even legally binding rules).
- Also social compensation is possible: land consolidation and exchange of land, or for instance to improve or built outdoor recreational area or route.
- Restitution should be carried out very close to the road project, but it can be carried out also totally elsewhere. The main rule is that damage caused will be replaced by same quality and same quantity.
  - If we destroy an important environment for some protected species, we should create same environment back at the same place or close to it. Or if this is not possible, then somewhere else or by different kind of positive action.
- No net loss for environment.

## Recycling vs. clean raw materials - challenges

- There is a will to promote recycling and save clean raw materials. Recycling in road project means re-using the waste material in road construction.
- But...
  - legislation and permits
  - monitoring and sample taking for many, many years
  - problems in future when repairing and replacing the road
  - will recycling become more expensive for taxpayers (for society) finally ??
- A list about certain materials which are allowed to recycle in road projects using simpler administrative procedure (no need for permit procedure).
- Waste material is not allowed to use in groundwater zones.
- No open door for whatever waste - even though many business enterprises would like it to be so...
- Very important: to have information in a register where waste material has used.

# Monitoring

- Monitoring means to monitor the assessed impacts and other impacts of the built road, and utilise the results.
- In Finland we have made monitoring and post evaluation for years and we have many good reports but only about certain theme.
- No systematic monitoring yet in Finland, but we start now.
- There are permit obligations to monitor. And some large road projects, which also are EIA-projects, have been monitored.
- Legislation: the Highway Act and the Environmental Impact Assessment Act. No obligatory rules in legislation. No sanctions in legislation. No authority who can force to do monitoring.

Thank you!

Lake of Saimaa, Savonlinna