



Environmental impact assessment of investment proposals for agricultural lands and agricultural territories - legal and practical aspects

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Abstract. *In Annex No. 2 to Article 93, Paragraph 1, Item 1 and Item 2 of the Law on Environmental Protection, investment proposals in the field of agriculture, forestry and water management are regulated, for which an assessment of the impact on environment is required. The group of investment proposals includes activities such as: consolidation of agricultural lands, use of uncultivable lands for intensive agricultural purposes, reclamation activities in agriculture, etc. According to the norm of Article 81, Paragraph 1 of the Law on Environmental Protection, ecological assessment and assessment of the impact on the environment are carried out on plans, programs and investment proposals for construction, in the implementation of which significant impacts on the environment are possible.*

The report examines and analyzes some legal norms from the Bulgarian ecological, agrarian and construction legislation, which regulate the need and importance of environmental impact assessment when implementing investment proposals in agricultural territories and some practical problems in this area.

Keywords: investment proposal, environment, impact assessment, agricultural territory, agricultural land

Introduction

Various investment intentions are realized on agricultural lands and agricultural territories. They are primarily related to the emerging need to build networks and facilities of the technical infrastructure in the sense of the Territorial Planning Act (www.lex.bg). The implementation of investment projects on agricultural lands can be carried out from the point of view of the status of agricultural lands, either by changing their purpose, or by preserving the status and unchanged purpose. The change of purpose of agricultural lands, according to the text of Article 2, Paragraph 3 of the Law on the Protection of Agricultural Lands, is permitted

only as an exception when there is a proven need. Changing the purpose of agricultural land for non-agricultural needs, according to the norm of Article 17, Paragraph 1 of the Law on the Protection of Agricultural Land (www.lex.bg), is permitted depending on the productive qualities of the land and the goals of the change.

Changing the purpose of agricultural land for non-agricultural needs may be allowed for:

a/ construction of technical infrastructure sites in the sense of the Territorial Planning Act, as already stated;

b/ creating new or expanding the construction boundaries of existing urbanized territories;

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c/ creation or expansion of the boundaries of separate regulated land properties outside the building boundaries of the existing urbanized territories.

The change of use of agricultural land for non-agricultural purposes has been examined and analyzed in detail by some authors (Velkovski, 2019).

Without changing the purpose of the agricultural lands in them, according to the regulation of Article 2, paragraph 19 of Ordinance No. 19, construction with objects related to their use is permitted. The functions of these objects must correspond to the purpose of the agricultural land. These are objects of the agricultural infrastructure. When implementing investment proposals on agricultural land and agricultural territories, regardless of the changed or unchanged status or purpose of the agricultural land, it is necessary to take into account the extent to which the construction activities can affect the environment.

In the text of Article 81, Paragraphs 1 and 2 of the Environmental Protection Act (www.lex.bg), the need for environmental assessment and environmental impact assessment of investment proposals for construction is regulated.

Subject to an environmental impact assessment, according to Annex No. 1, Item 7, to the Environmental Protection Act, farms for intensive breeding of birds or pigs with more than:

a/ 85,000 places for raising broilers, 60,000 places for laying hens;

b/ 3,000 places for rearing pigs for fattening (over 30 kg weight) or 900 places for sows.

Subject to an Environmental Impact Assessment, also according to Annex No. 2, Item 1 to the Environmental Protection Act, specifically in agriculture:

- consolidation of agricultural lands;
- use of uncultivable land for intensive agricultural purposes;
- intensive animal husbandry;
- reclamation activities;
- primary afforestation and deforestation in order to change the purpose of the land.

The subject of consideration and analysis in the

report are some legal and practical aspects of the environmental impact assessment for investment proposals, initiatives and activities that will be implemented on agricultural lands, respectively on agricultural territories. For the purposes of the research, summarized results of the author's empirical research on the topic "Assessment of the environmental impact of investment proposals for agricultural lands and agricultural territories" are presented and used.

Material and methods

For the purposes of the study, the following were used:

- Literary sources of Bulgarian authors;
- Normative sources (accents from the current legislation);
- Analytical toolkit (normative and analytical methodological apparatus) and survey.

Results and discussion

Pursuant to Item 17, Paragraph 1 of the additional provisions of the Environmental Protection Act, an "investment proposal" is a proposal to carry out construction works or build installations or schemes, and an impact is qualified as any impact on the environment, which may be caused by the implementation of an investment proposal for construction.

"Purchaser of an investment proposal" is defined in Item 20, Paragraph 1 of the additional provisions of the Environmental Protection Act, as a public body, natural or legal person that has legal rights to initiate or apply for approval of an investment proposal.

Pursuant to Article 92, Item 1 of the Environmental Protection Act, the environmental impact assessment must be carried out for investment proposals for construction for certain types of regulated agricultural infrastructure, as already stated.

The need to carry out the environmental impact assessment, according to the regulation of Article 93, Paragraph 4 of the Environmental Protection

Act, is assessed based on:

a/ the characteristics of the investment proposal – size, affected area and the like;

b/ location, especially in relation to the existing and approved land use;

c/ the type and characteristics of the potential impact on the environment;

d/ public interest in the investment proposal.

In accordance with the regulated legal technology, the competent authorities communicate their decision on the necessity of the environmental impact assessment within one month of the request of the contracting authority.

The contracting authority, according to the norm of Article 95, Paragraph 2 of the Law on Environmental Protection, ensures the development of a task for the scope and content of the environmental impact assessment for investment proposals under Annex No. 1 to the Law on Environmental Protection, which are mandatory, and for those for which it has been decided to carry out the environmental impact assessment.

The conditions and procedure for carrying out the environmental impact assessment under Article 81, Paragraph 2, Item 2 of the Environmental Protection Act, which has already been cited, are regulated in the Ordinance on the conditions and procedure for carrying out the assessment of impact on the environment ([www lex.bg](http://www.lex.bg)).

A specific normative element in the aforementioned regulation is the organization of a public discussion of the environmental impact assessment report and its appendices, in affected municipalities, regions and town halls determined by the competent authority, within the meaning of Article 16, Paragraph 1 of the same regulation.

The decision on the environmental impact assessment is made by the competent authority based on collected and ascertained facts and circumstances, regulated in the text of Article 18, Paragraph 1 of the Ordinance under consideration.

With a decision under Article 18 and the regulation of Article 19, Paragraph 1 of the cited regulation, the competent authority approves the implementation of the investment proposal.

The competent authorities also carry out control over the implementation of the decisions:

a/ when approving and coordinating the investment projects;

b/ during construction;

c/ when issuing a permit to use the building;

d/ during the operation of the site.

As already stated, for the purposes of the research, an author's empirical study was conducted on the topic "Environmental Impact Assessment of Investment Proposals for Agricultural Lands and Agricultural Territories".

A survey was conducted among 98 people - agricultural producers from the South-West planning region of the Republic of Bulgaria.

The survey was organized in the field and was conducted using the "face-to-face" method, with the anonymity of the respondents preserved.

The summary results of the survey are presented below in the presentation.

The survey covers two sections, namely:

Section I: Profile of the respondent

1. Total number of surveyed farmers - 98 people - 100%;

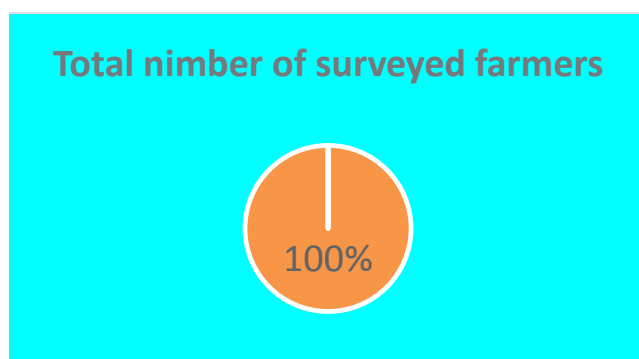


Figure 1. Total number of surveyed farmers

2. Gender structure:

a/ men – 51 people or 52.04%

b/ women – 47 people or 47.96%

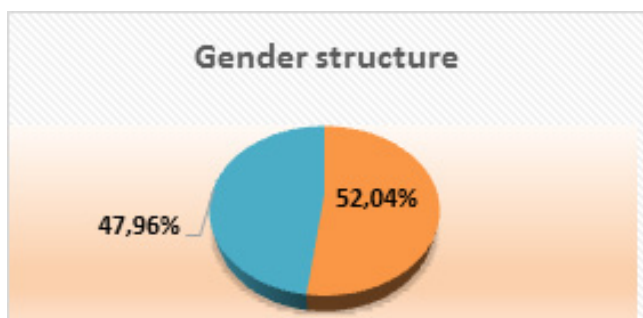


Figure 2. Gender structure

3. Age structure:

a/ up to 30 years old - 18 people or 21.43%;

b/ up to 40 years old - 27 people or 27.55%;

c/ up to 50 years old – 29 people or 29.59%;

d/ over 50 years old – 21 people or 21.43%.

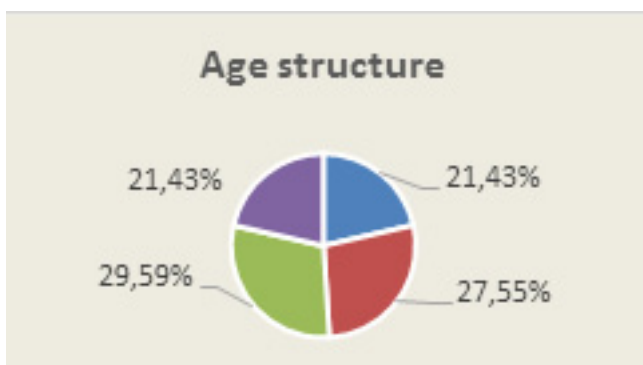


Figure 3. Age structure

4. Internship as a farmer:

a/ up to 5 years – 18 people or 18.37%;

b/ up to 10 years - 29 people or 29.59%;

c/ up to 15 years – 31 people or 31.64%;

d/ over 15 years – 20 people or 20.40%.

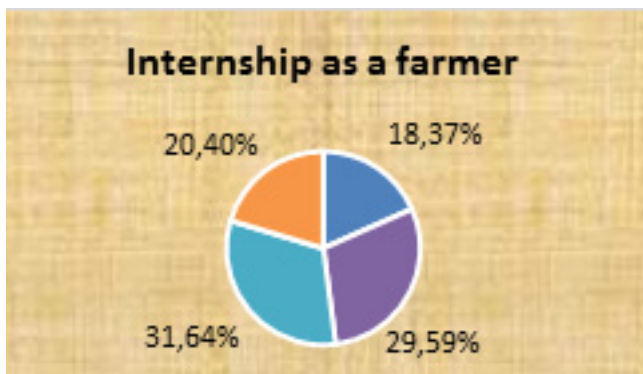


Figure 4. Internship as a farmer

5. Type of agricultural activity:

a/ crop production - 38 people or 38.78%;

b/ animal husbandry - 20 people or 20.48%;

c/ mixed – 40 people or 40.81%

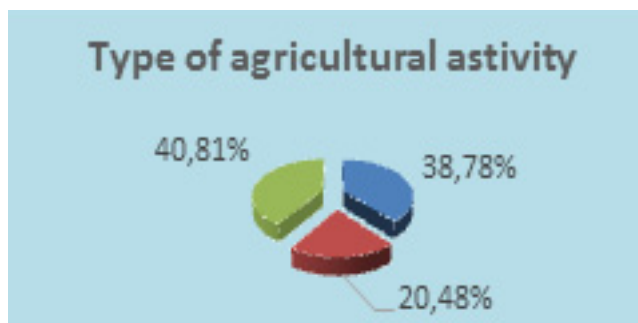


Figure 5. Type of agricultural activity

Section II: Specialized questions

1. Question: Have you carried out investment initiatives on your land:

a/ yes – 62 people or 63.27%;

b/ no - 36 people or 36.73%



Figure 6. Have you carried out investment initiatives on your land

2. Question: If your answer to the previous question is „yes“, in your capacity as a contracting authority, have you made a request to assess the need to carry out an environmental impact assessment:

a/ yes – 52 people or 83.87%;

b/ no - 10 people or 16.13%.

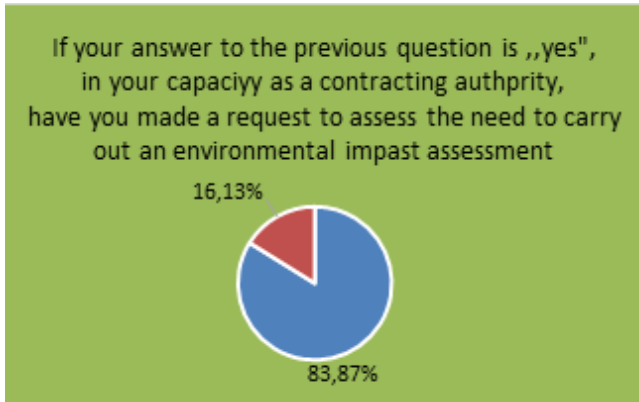


Figure 7. If your answer to the previous question is „yes“, in your capacity as a contracting authority, have you made a request to assess the need to carry out an environmental impact assessment

3. Question: If your answer to the previous question is „yes“, the reasons for this are:

a/ the requirements for certain groups of investment proposals, where you also fall - 38 people or 73.08%;

b/ the real danger of environmental pollution during the implementation of the project - 10 people or 19.23%;

c/ the reaction of environmental organizations - 4 people or 7.69%

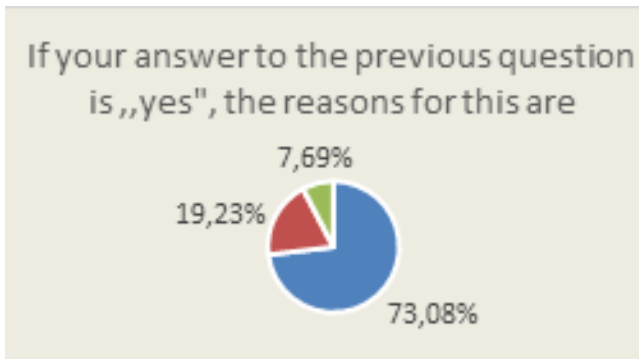


Figure 8. If your answer to the previous question is „yes“, the reasons for this are

4. Question: If your answer to question №2 is „no“, the reasons for this are:

a/ the investment initiative is outside the mandatory requirements for the Environmental Impact Assessment - 6 people or 60.00%;

b/ I am disappointed that I will not receive a refusal - 4 people or 40.00%



Figure 9. If your answer to question №2 is „no“, the reasons for this are

5. Question: Did you have any problems with the Environmental Impact Assessment permit request:

a/ yes - 41 people or 66.13%;

b/ no - 21 people or 33.87%.

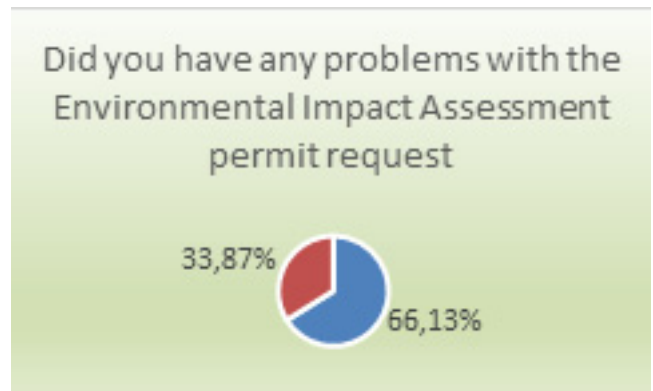


Figure 10. Did you have any problems with the Environmental Impact Assessment permit request

6. Question: If your answer to the previous question is „yes“, the problems are:

a/ delay in time - 21 people or 51.22%;

b/ incompetence of the relevant bodies - 20 people or 48.78%.

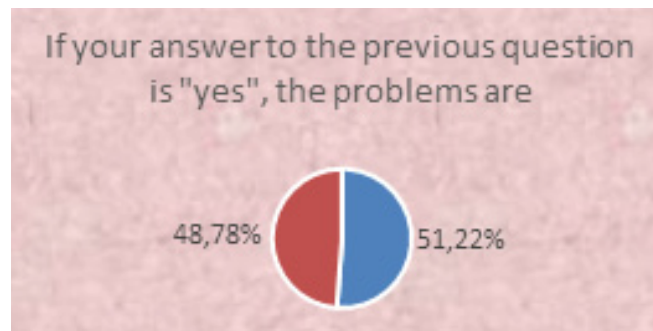


Figure 11. If your answer to the previous question is „yes“, the problems are

7. Question: What measures are needed to make the Environmental Impact Assessment procedure more effective:

a/ good coordination between institutions - 36 people or 36.73%;

b/ shortening the deadlines in the stages of the Environmental Impact Assessment - 30 people or 30.62%

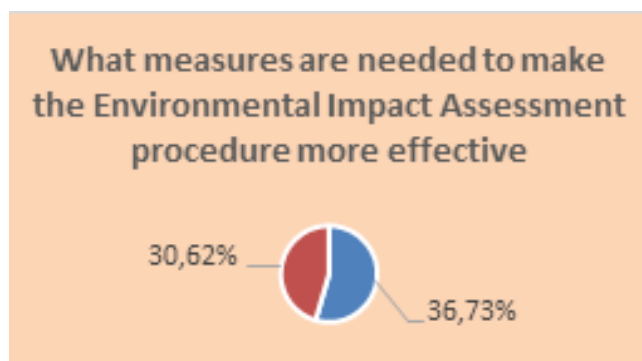


Figure 12. What measures are needed to make the Environmental Impact Assessment procedure more effective

Conclusion

The summary results from section two of the survey, shown in the presentation, give grounds for forming the following conclusions:

1. Carrying out investment initiatives on their own agricultural land is a practice of a larger part of the respondents - 62 people or 63.27% confirmed this practice, and 36 people from the surveyed farmers or 36.73% did not carry out investment initiatives on own agricultural land;

2. Entering the role of contractors, 52 people from the surveyed farmers or 83.87%, who carried out investment initiatives on their own agricultural land, made a request to assess the need to carry out an Environmental Impact Assessment, to the relevant institutions. Only 10 people from the surveyed farmers or 16.13%, despite having the qualities of contractors, did not make such a request;

3. The request to assess the need to carry out an Environmental Impact Assessment is justified for three reasons, namely:

a/ the requirements for certain groups of investment proposals - 38 people or 73.08% of the

surveyed farmers;

b/ the risk of environmental pollution – 10 people or 19.23% of the surveyed farmers, when implementing the relevant investment project;

c/ the reaction of environmental organizations - 4 people or 7.69% of the surveyed farmers;

4. The lack of a request to assess the need to carry out an Environmental Impact Assessment is associated with two reasons, namely:

a/ the investment initiative is outside the mandatory Environmental Impact Assessment - 6 people or 60.00% of the surveyed farmers;

b/ conviction that there will be a refusal from the institutions - 4 people or 40.00% of the surveyed farmers;

5. Problems with the request to issue a permit for Environmental Impact Assessment were experienced by a large part of the surveyed farmers - 41 people or 66.13%, while a significantly smaller number of the surveyed farmers - 21 people or 33, 87% had no such problems;

6. The problems can be classified into two groups:

a/ delay in the time of the procedure – 21 people or 51.22%;

b/ incompetence of the relevant bodies - 20 people or 48.78%.

7. Regarding the necessary measures to improve the effectiveness of the Environmental Impact Assessment procedure, the interviewed farmers put better coordination between institutions in the first place - 36 people or 32.65%. In second place, the surveyed farmers put the refinement of the regulatory framework - 32 people or 32.65%, and in third place is the need to shorten the deadlines in the stages of the Environmental Impact Assessment.

Obviously, not only the current legislation of the Republic of Bulgaria, regulating the need for an environmental impact assessment, but also the practice of agricultural producers justify the need for such an assessment, which can also be classified as an essential element of environmental policy in the agricultural sector, which policy could also target such segments as the green economy and green jobs (Goranova, 2015).

The goal is to minimize ecological damage on

agricultural lands, combined with the readiness of agricultural producers to expand the size and relative share of environmental costs that are carried out for the realization of ecologically sustainable investments (Luchkov, 2024) in the agricultural sector.

Acknowledgments

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