

Environmental and Social Data Sheet

Overview

Project Name:	AUTOBAHN A94 PPP E-ROAD
Project Number:	20130409
Country:	GERMANY
Project Description:	Design, construction and financing of the new 33km A94 motorway (2x2) section Pastetten-Heldenstein (part of E-road E552 Munich-Linz) under a PPP scheme.
EIA required:	yes
Project included in Carbon Footprint Exercise ¹ :	yes
(details are provided in section: "EIB Carbon Footprint Exercise")	

Summary of Environmental and Social Assessment, including key issues and overall conclusion and recommendation

This project is part of the A94 Munich-Pocking which construction was identified in the 2003 Federal Transport Infrastructure Plan (Bundesverkehrswegeplan 2003), adopted by the Federal Government on 2 July 2003, predating the application of SEA Directive (2001/92/EU) and thereby excluded from the scope of the Directive. The project includes the construction of the new 33km of the A94 motorway (2x2), section Pastetten-Heldenstein (part of A94 Munich-Pocking) and falls under the requirements of Annex I of the EIA Directive 2011/92/EU, hence a full EIA has to be carried out, including public consultation (PC).

The project comprises two planning sections (PA02 and PA03) for which EIAs have been performed according to the updated Environmental German Law. Approval decisions (Planfeststellungsbeschluss) have been issued by the Government of Upper Bavaria (Regierung von Oberbayern) however some small-scope plan amendments are pending and will be finished before the signature of the PPP contract. Before the disbursement, the Bank should receive confirmation of the irrevocability of the approval decisions.

Section	Description ²	Length (km)	Date Approval Decision
PA02	Pastetten (Km 16+980) to Dorfen (34+423)	17,443	03/12/2009
PA03	From Dorfen (34+730) to Heldenstein (50+040)	15,310	22/11/2011

The project is located in a rural area sparsely populated. The project's impact at the construction stage will be short-lived and reversible, at a level which is deemed acceptable. At operation stage the major impacts will be connected to noise, pollution, use of land, groundwater for agricultural use and road use generated waste however the final designs should include adequate environmental measures and the project's overall residual impacts are not high considering the type and size of the project. On the other hand, the project will decrease local traffic-related emissions in the vicinity of the road B12, currently used to connect Pastetten-Heldenstein.

The project crosses several protected areas including three Natura 2000 sites. However the EIA procedure was carried out in accordance with the Habitats Directive (92/43/EEC) and Birds Directives (79/409/EEC) and the approval decisions provide compensating, mitigation and protection measures which will have to be observed and included in the final designs guaranteeing no major impact of the project on the protected sites.

It is not expected that protected archaeological sites are located in the vicinity of the project, however at time of appraisal surveys were still undergoing. The promoter will present the final results of the surveys prior to any disbursement guaranteeing that the final designs will not have any impact on archaeological sites, if existing.

¹ Only projects that meet the scope of the Pilot Exercise, as defined in the EIB draft Carbon Footprint Methodologies, are included, provided estimated emissions exceed the methodology thresholds: above 100,000 tons CO₂e/year absolute (gross) or 20,000 tons CO₂e/year relative (net) – both increases and savings.

² PA02 and PA03 link up – there is no gap between chainage points km 34+423 and km 34+730

The institutional capacity of the public promoter to manage the environmental issues is deemed high and the one from the private promoter is expected to be appropriate, considering the consortia that already showed interest in the tender process. Therefore, subject to conditions mentioned above, the project is acceptable for the Bank in environmental and social terms.

Environmental and Social Assessment

Environmental Assessment

This project is part of the A94 Munich-Pocking which construction was identified in the 2003 Federal Transport Infrastructure Plan (Bundesverkehrswegeplan 2003), adopted by the Federal Government on 2 July 2003, predating the application of SEA Directive (2001/92/EU) and thereby excluded from the scope of the Directive. EIAs have been undertaken for the individual planning sections of the project (PA01-PA08) in the context of the A94 Munich-Pocking overall corridor and reference to potential cumulative effects are adequately addressed.

The project alignment, preliminary design and the project approval process have been defined and carried out in line with the Law on Environmental Impact Assessment (UVPG), in accordance with the EIA Directive 2011/92/EU. Approval decisions for the A94 sections included in this project (PA02 and PA03) have been issued by the Government of Upper Bavaria however some small-scope plan amendments are pending and will be finished before the signature of the PPP contract.

During the EIA procedure, all potentially affected Natura 2000 sites, habitats and species have been analyzed, including habitats and species placed beyond Natura 2000 sites. The plan approval decisions have been issued in line with the Federal Species Protection Ordinance (BAertSchV), the Federal Nature Conservation Act (BNatSchG) and the Bavarian Nature Conservation Act (BayNatSchG) providing evidence of compliance with the Habitats Directive (92/43/EEC) and Birds Directives (79/409/EEC). The project crosses three NATURA 2000 areas and four small rivers (Isental, Lappachtal, Goldachtal and Rimabachtal). There is a colony of bats whose flight routes and food habitats have to be protected and maintained. The protection and mitigation measures laid down in the plan approval decisions.

Natura 2000 site	Code	Type	Project section
Strogn mit Hammerbach und Köllinger Bächlein	DE7637371	Habitats Directive Site (SCI)	PA02
Isental mit Nebenbächen	DE7739371	Habitats Directive Site (SCI)	PA 02 PA03
Mausohrkolonien im Unterbayerischen Hügelland	DE7839371	Habitats Directive Site (SCI)	PA 02 PA03
Innauen und Leitenwälder	DE 7939301	Habitats Directive Site (SCI)	Vicinity of the project

The A94 motorway (2x2) section Pastetten-Heldenstein, runs through a rural region sparsely populated where land is used mainly for agriculture. The project will have an impact in the environment both during construction and operation.

At construction stage, the project will increase noise and vibration levels, and will impact groundwater, habitat connectivity and air quality. Adequate measures will be considered in the designs such as drainage systems, management of earthworks, waste, and landfills and reparation of the vegetation damaged with local species. Trees will be protected in appropriate manner and tree clearance will be conducted outside the nesting season. Construction of bridges over the existing small rivers will include protection measures to conserve habitat connectivity features. Furthermore and in order to avoid disturbances on villages and neighbours located in the vicinity of the project, at time of appraisal some compensating measures (e.g. planting) and preparatory works (e.g. cutting of trees) were already being implemented. The project's impact at the construction stage will be short-lived and reversible, at a level which is deemed acceptable.

At operation stage the major impacts will be connected to noise, pollution, use of agricultural land, groundwater for agricultural use and road use generated waste however the final designs should include adequate compensation, protection and mitigation measures as crossings for animals, irritation protection walls for bats, native species for plantings, retention basins, adequate drainage systems to prevent the direct run-off from road surface to surface water areas and noise barriers and insulation of houses where needed. Furthermore, the project will decrease local traffic-related emissions in the area of the road B12, currently used to connect Pastetten-Heldenstein.

The above-mentioned measures are considered sufficient.

EIB Carbon Footprint Exercise

The project is included on the following basis:

- Estimated annual third party greenhouse emissions (vehicular use, from existing and generated demand) from the use of the project in a standard year of operation: Forecast absolute (gross) emissions are 215,000 tonnes of CO₂ equivalent per year; and
- Forecast emissions decrease is 30,500 tonnes of CO₂ equivalent per year, as travel distances for segments of long-distance traffic attracted to the project, and the associated fuel consumption are reduced. The project boundaries are:
 - Existing network comprising the existing B12 in the route of the new motorway sections, and the already completed sections of the A94 which will become part of the PPP contract.
In addition, a synthetic alternative road was modelled, representing the long distance Munich-Linz corridor traffic share that is forecast to shift from the existing motorways via Salzburg and via Passau to the A94 route after its completion, yielding a distance saving of 30km.
 - In the “with project” case, in addition the 33km new motorway built under the project.
- The baseline is the forecast third party emissions, in the absence of the project, from the existing network only within the project boundary defined above. The forecasts reflect the Services’ assumptions on traffic, traffic growth, speed flow, infrastructure capacity and fuel consumption. The absolute emissions forecast includes both the existing and additional network.
- For the annual accounting purposes of the EIB Carbon Footprint, the project emissions will be prorated according to the EIB lending amount signed in that year, as a proportion of project cost.

Social Assessment, where applicable

Expropriations are carried out in line with the German Law (§ § 18 f, 19 Federal Highway Act (FStrG) together with Article 8 Bavarian Expropriation Act (BayEG). It is expected that, before the signature of the PPP contract, all the land will be available for the project. In addition, the project will entail resettlement of people (5 families) and agreements and compensating measures are being carried out according to the German Law. No major complains regarding land acquisitions or reallocations of affected families were raised during the PC of the project.

Public Consultation and Stakeholder Engagement, where required

PC is embedded in the EIA process and other elements of the “Planfeststellungsbeschluss” into which the permitting process is concentrated. The Bank has evidence that the PC is finalised for the two sections included in this project (PA02 and PA03). To date, some small-scope plan amendment procedures are pending in the area of PA02 and PA03 linked to potential minor changes in designs resulting from results of surveys currently on-going. It is expected that amendments will be solved before the signature of the PPP contract.

According to the information gathered during the mission and provided by the promoter, the probability of raising any protest or making any complaint about the investment by non-governmental institutions (e.g. ecological, the protection of cultural heritage, protection of consumer rights etc.) shall be considered as minor.

Other Environmental and Social Aspects

The contractor has to ensure that the construction-related requirements of the plan approval decisions and other permissions are complied with, in particular through a local site management.

In order to ensure the implementation of environmental measures, the contractor has to employ for the whole construction period an environmental supervisor with relevant qualifications in the field of environmental protection and nature conservation.

Road Safety in the corridor is expected to improve in particular in the B12 currently used to connect Pastetten-Heldenstein. As the travel distances for parts of long distance traffic reduce since the A94 route will be 30km than the existing motorway alternatives, overall accident numbers related cost will be reduced further.

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