

Training for youths for monitoring and advocacy through utilization of spatial data – part 1

April 28–30 2014, Sofia

Practical exercise 3

Group 3

Master plan of Tzarevo municipality

Part of the territory of Tzarevo municipality is within the boundaries of Strandzha Nature park (IUCN 5) and Natura 2000 area for birds and habitats. Within the municipality there is a protected territory – Veleka River.

A short description of Strandzha PP

Because of its location on a bio-geographical crossroad the flora of Strandzha is an unique mixture of relic South-Euxin, Mediterranean, Mid-European, Balkan, Euro-Asian, Ponticus-Central-asian and Atlantic groups of flora elements. That is why vegetation as well as species diversity of habitats is extremely rich.

Strandzha Nature park exists for 20 years without an accepted management plan. Such plan has been made by BBF in 2003, but it is still not accepted after multiple returns by the Ministry of environment and waters because of lack of compliance with the administrative procedures and the pressure for serious mitigations of the proposed regimes aiming at removal of restrictions for cutting down the centuries old forest and construction.

A short description of protected landscape Veleka river. It is situated in the boundaries of Nature park Strandzha, near the Sinemoretz village and 5 km south from Ahtopol. It is one of the most picturesque and beautiful places in the Southern Black sea coast. Goals of proclamation:

1. Preservation of the characteristic landscape of the coastal area, rock formations, fiords. Specific xerothermic vegetation and the rich animal world.
2. Specific xerothermic vegetation and rich animal world.

The plan envisages building of over two-thirds of the coastal area south of Tzarevo with 75 000 beds, all within the territory of Nature Ppark Strandzha and Natura 2000 network of protected areas. The plan has been prepared by a team, led by architect Ticholov, who was related to Dune-gate affair.

The Master plan is approved by an order in 2008. The negative expert's statements about the effects of the plan have not been taken into account. The plan has not a full environmental assessment, only the Opinion of the MEW on the Environmental assessment, issued by the MoEW. The opinion is hidden from the public with a probable reason to hinder any possibilities for public appellation. Prior to the acceptance of the plan, Environmental assessment is the last document, liable to appeal.

In the same time an appeal to the European commission responsible for the abiding by the Directive of the Environmental assessment, the Habitat Directive and a few of the clauses of regulations of the Aarhus convention for the rights for access to ecological information.

In August 2009 the European commission commenced criminal procedure against Bulgaria on account of the non-compliance of the European environmental directives in the approval of Tzarevo's Master plan. This compelled the Minister of the environment and waters - Nona Karadzova to withdraw the positive environmental assessment of the plan in 2010 and in this way she had temporarily ceased execution of the plan, as well as of the criminal procedure. This caesurae is temporary, until the commenced national level procedures are not finished (lawsuit in the Court of Cassation against the order for approval the Tzarevo Master plan), because the European commission would act after the exhaustion of the national instances.

The lawsuit in Court of Cassation ended on January 2014 with the verdict of a 5-member chamber. With it the Court of Cassation abolishes the decision of the 3-member chamber of the Court on the appeal of the environmental organizations, which has abolished the Master plan of Tzarevo municipality and thus restore and confirm legitimacy of the Tzarevo Master Plan! The verdict of the 5-member chamber came after the appeal of the Tzarevo municipality and the present Minister of regional development and with a complete change of the position of the Ministry of environment.

After the following mass national demonstrations in more than 10 Bulgarian cities the Minister of the environment and the Minister of regional development issued orders. However they stopped the working of the Master plan until the preparation of a new one and they do not rely on the fact that a Master plan has been accepted without environmental assessment.

While the period of appeal of the Master plan of Tzarevo municipality is running, there are unknown number of approved projects, done by the approval of their detailed urban development plans, without having in mind cumulative effect of their fulfillment and without having in mind the existence of the Nature park and Natura 2000 areas. We do not have a verification still how many of the detailed plans have environmental assessments or compatibility assessment.

Exercise:

Which laws have been violated in the process of approval of the Tzarevo Master plan?

Point out the evidences in the text.