

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

April 28–30 2014, Sofia

### Practical exercise 3

Identifying the violated legislation

Group 2

#### Construction of vacation villages in Irakly

*The area Emine-Irakly is one of the last 9 natural territories on the Black Sea coast, which is not affected by constructions like almost every other corner of the coastline and still keeps its beauty.*

*In 1994 a small protected landscape has been announced, including the southern part of Irakly beach and even more south towards Emine cape, 42.3 ha in total. The whole area Irakly-Emine has gone through inventory and defined as proposed Natura 2000 area.*

The area is an important migration corridor along the Black sea for numerous species: European pond turtle (*Emys orbicularis*), otter (*Lutra lutra*), Spur-thighed tortoise (*Testudo graeca*), Hermann's tortoise (*Testudo hermanni*), *Elaphe quatorlineata sauromates*, Marbled polecat (*Vormela peregusna*). The area provides geographic coherency of the network regarding the rare habitats, which are situated on a small and dismembered sites along the Black sea: 5210 (*Brushwoods with Juniperus spp.*), 2120 (*Moving dunes with Ammophila arenaria on the coastline – white dunes*), 91F0 (*Riparian forests from Tilio-Acerion forests on screes and slopes*), 91SO (*Westpontian beech forests*) or situated on the border of its dissemination – for example 91AA (*Eastern forests of downy oak*) in Irakly is the northern border of dissemination of the habitat.

Nevertheless there are several investment intentions, which would turn the exceptional and preserved nature of Irakly into a serial seaside resort.

Plans stipulate constructions on the single estuary and adjacent dunes, as well as on the abandoned agricultural land along the river terrace and the nearby slopes. This would lead to annihilation of the priority habitats and species contrary to the legislation and the public interest.

In 2007 the building of the first of 5 vacation resorts has begun by the company Swiss properties: "Riverside village Irakli". The biggest building in the planned complex has been finished up to the second floor; the area for another two of the villages (with a common border) has been cleared up.

On the pretext "cleaning the river bed of Vaya" because of the flood danger the company "Atlant-Krastev-Valentin Krastev" has dug and dyked the estuary of Vaya from the bridge to Emona village, where the property of Swiss properties begin, to the estuary itself; the whole coastal vegetation in this area has been destroyed.

– the license for construction of the vacation village "Riverside village Irakli" has been issued to Swiss properties without EIA report;

– contract between ET "Atlant-Krastev-Valentin Krastev" and Nesebar municipality for the "cleaning the bed of river Vaya" because of the flood danger. There is no resolution of the competent institution for the necessity of procedures for environmental impact assessment and compatibility assessment in relation to the goals of Natura 2000 protected areas;

– compatibility assessment of the construction of village resort "Riverside village Irakly" has been made long after the beginning of the construction, at the very end of 2008 (report, published on the website of Bourgas between the Christmas and New Year's Eve 2008).

Because of the pointed legal gaps an appeal has been lodged by the European commission against Bulgaria. As a result MoEW began "recultivation", which unfortunately consisted only in planting trees and saplings, which were not even aboriginal. The ecological organizations and citizen pointed out that this is not a real recultivation, but it is necessary to remove the dyke in order to restore the river bed and to plant aboriginal species of trees.

In October 2013 representatives of the European commission, the Bulgarian ministry of environment and waters, NGOs and civic group "Save Irakli" visited the place. There was unanimous opinion that ploughing the river bed of Vaya and Irakli and erecting the dyke has led to the destruction of the river habitat in the area. Nevertheless MoEW continues insisting for its retaining with the argument that the actions for its removal could hinder the already taken restoration activities. Final decision of the European commission on the appeal is expected and whether it will accept the undertaken bogus recultivation.

Meanwhile there is a new investor in Irakly and new investment intentions. The company Emona 2000 is owned by Dobrin Ivanov. "Vaya Dir" in which Dobrin Ivanov is a partner with his wife Larisa, take the 5-year concession of the Vaya river beach in 2011.

There are two known projects of this investor so far (according to the investigation of Capital newspaper, 2013).

The first project has a decision from the environmental impact assessment from August 2011 and stipulates the building on three properties. The object of investment proposal is construction of a vacation complex on the place of existing resting complex, a former pioneer camp of "Galatea 2000" and a resting complex of "Gorostroy Bourgas". The vacation complex (31 detached houses for the three properties, a residency with 8 rooms and 6 apartments, three shops with three apartments above, swimming pools, beach bars and so on) is for a maximum 180 visitors and anticipated visitor do not exceed the recent capacity which is no more than 250 people. The main argument of ecological inspection in support of the project of Emona 2000 is that in fact the construction is "a replacement of the existing buildings with new ones with much less capacity than at the time when the properties were active pioneer camp and that is why the expected the indirect effects to be much less than in the past."

The reality: The construction is blocked because of the civil demonstrations, as a consequence it was made a secret check-up in place and it was determined a shift between the decision of EIA and the real construction. The national construction control directorate (NCCD) stopped the building process with 2 decisions and pronounced the approved investment project and permissions for building, given by the main architect of Nesebar municipality, insignificant. The investor appealed the decisions in Bourgas administrative court, which on 14 November 2013 finally abolished one of the two orders of NCCD– Southern region from March. The reason: "There is in fact a shift between the given building documentation and Decision №10-6/11.08.2011" of the director of RIEW-Bourgas, which would allow them to be abolished, but not as insignificant," states the decision of the court. The deadline for attacking the legality has expired.

Although the case is still open, Emona 2000 along with "Dar invest" has announced its next intention for the area. The project is in its first stages and the environmental impact assessment plus compatibility assessment with the object and preservation goals of Natura 2000 is forthcoming. The new project is within the boundaries of the two Natura 2000 areas, and it is planned in 5 more parcels with two times bigger area than the first project. The provided build-up area would be 16 hectares, the total of the inhabitants – up to 250 people, the total number of the detached houses – up to 98, up to 2 floors as written in the informing letter to the municipality and the regional eco-inspection. "The cumulative effect as a result of realization of the assessed investment proposal and its relation to the other past, present and/or expected investment proposals should be taken into account in the EIA report" – was the answer of the regional eco-inspection to the question whether the two projects for 3 and 5 areas has a connection and what would be their common effect over the areas.

Exercise:

Which laws have been violated in the project of Swiss properties?

Which laws effects the project of Emona 2000 and their keeping should be observed?

Point out the evidence in the text.