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Nature conservation: intervention permit, compensatory and replacement measures

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<https://fimportal.de/xzufi-services/8960506/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99090003006000, 99090003006000
Leistungsbezeichnung I	Nature conservation: intervention permit, compensatory and replacement measures
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Naturschutz (090)
Verrichtungskennung	Genehmigung (006)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder

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	Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Tier-, Pflanzen- und Naturschutz (2130200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	22.05.2017
Fachlich freigegeben durch	Hessian Ministry of the Environment, Energy, Agriculture and Consumer Protection
Handlungsgrundlage	https://www.gesetze-im-internet.de/bnatschg_2009/BJNR254210009.html#BJNR254210009BJNG000300000 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV3P2 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV3P7 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV4P8 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV3P9 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-KompVHE2018rahmen https://www.gesetze-im-internet.de/bnatschg_2009/BJNR254210009.html#BJNR254210009BJNG000300000 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV3P2 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV3P7 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV4P8 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-BNatSchGAGHEV3P9 https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-KompVHE2018rahmen
Teaser	
Volltext	The aim of nature conservation is to preserve nature and landscape on the basis of their own value and as the basis of human life. Since severe impairments or even destruction of nature and landscape can also have serious negative consequences for humans, in

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addition to the protection of the landscape, in particular the preservation, restoration and long-term and sustainable usability of the natural balance are sought.

Anyone who wants to carry out a project that changes the use or shape of the environment and which can significantly affect the ecosystem or the landscape - in particular through construction measures - usually requires an intervention permit. At the same time, the associated impairments of the natural balance and the landscape must be kept as low as possible. Depending on the situation, unavoidable adverse effects must either be compensated for in the same way by nature conservation and landscape management measures or compensated equally by replacement measures. In the case of development plans and in unplanned interior areas, special, relaxed regulations apply.

In addition to the intervention permit, many other nature conservation approvals may be required today (e.g. species protection, habitat protection, Fauna-Flora-Habitat Directive or Birds Directive, protected area regulations). Projects in Natura 2000 sites that do not require further authorisation may be notifiable

Erforderliche Unterlagen

In accordance with the Compensation Ordinance, an intervention compensation plan must be submitted in the application. Information can also be found on the website of the Hessian Ministry for the Environment, Climate Protection, Agriculture and Consumer Protection in the field of nature conservation in the field of nature conservation / forestry

Voraussetzungen

Kosten

Official acts under nature conservation law are usually subject to a fee. The amount of the intervention permit depends on the construction volume. In the case of projects requiring building permits, the intervention permit may already be included in the building permit.

Verfahrensablauf

Bearbeitungsdauer

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Frist

If an application for an intervention permit is not decided within a period of 3 months, it shall be deemed to have been granted. In all other respects, § 42a of the Hessian Administrative Procedure Act in the version of 15.01.2010 (GVBl. I p. 18) applies. The nature conservation authority examines the application documents and informs the applicant within one month of receipt of the application whether the documents are complete or what further information it needs for a full assessment of the facts. (§3 para. 2 HAGBNatSchG)

weiterführende Informationen

Hinweise

Further information and advice can be found on the website of the Hessian Ministry for the Environment, Climate Protection, Agriculture and Consumer Protection in the field of nature conservation as well as on the websites of the regional councils of Kassel, Darmstadt and Gießen. Many districts and cities with their own lower nature conservation authority have their own website, which you can find directly contact persons.

<https://rp-kassel.hessen.de/natur>

<https://rp-darmstadt.hessen.de/umwelt-und-energie/naturschutz>

<https://rp-giessen.hessen.de/natur/naturschutz>

<https://rp-kassel.hessen.de/natur>

<https://rp-darmstadt.hessen.de/umwelt-und-energie/naturschutz>

<https://rp-giessen.hessen.de/natur/naturschutz>

Rechtsbehelf

Kurztext

Ansprechpunkt

The approval of interventions in nature and landscape is the responsibility of the bodies that decide on the approval of projects according to the respective specialist laws (e.g. building supervision, immission control or water authority). In these cases, the nature conservation authorities are involved within the authorities. The nature conservation authorities only decide on the approval of the intervention in their own

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	nature conservation procedure if no other authority is responsible or if the nature conservation authority has to make a decision anyway for important other reasons. The first points of contact for citizens are the lower nature conservation authorities, which are responsible for the area on which the intervention is to take place. The lower nature conservation authorities are the district administration in the rural districts, and the city administration in cities with more than 50,000 inhabitants.
Zuständige Stelle	
Formulare	https://umwelt.hessen.de/Naturschutz/Kompensationsmassnahmen https://umwelt.hessen.de/Naturschutz/Kompensationsmassnahmen
Ursprungsportal	Naturschutz: Eingriffsgenehmigung, Ausgleichs- und Ersatzmaßnahmen, Nature conservation: intervention permit, compensatory and replacement measures