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JAVNOSTI IN NJIHOVO VKLJUČEVANJE V OKOLJSKO ODLOČANJE TER DOSTOP DO OKOLJSKIH PODATKOV

Povzetek Javnosti so ena ali več fizičnih oseb in skladno z zakonodajo ali prakso posamezne države njihova združenja, organizacije ali skupine. Vključevanje javnosti je proces, ki naj bi spremljal javne dokumente od njihove zasnove, priprave, sprejetja in izvajanja v praksi. Vključevanje javnosti pomeni na eni strani prostovoljno angažiranje strokovnega in laičnega potenciala skupnosti v okoljsko odločanje, na drugi strani pa zagotavlja intenzivnejši pritisk na izvajanje tako sprejetih dokumentov. Pogoji za kakovostno vključevanje javnosti v odločanje je vsekakor vpogled in dostop do podatkov o okolju in naravi. Varuh človekovih pravic Republike Slovenije je Mestno občino Maribor izbral kot primer dobre prakse na področju dostopnosti do okoljskih podatkov.

Ključne besede: okolje, javnosti, vključevanje, podatki, dostop

1 Javnosti in njihovo vključevanje v okoljsko odločanje

Sodelovanje javnosti je vsak proces, ki vključuje javnosti v reševanje problemov ali odločanje, in uporablja prispevke javnosti pri sprejemanju odločitev. Sodelovanje javnosti pri načrtovanju trajnostnih ukrepov in odločanju je pomembno še toliko bolj, ker so prav javnosti tiste, ki običajno dobro poznajo lokalne težave, interese, cilje, potrebe in vire. Njihovo sodelovanje praviloma prispeva k družbeno sprejemljivejšim in posledično tudi racionalnejšim rešitvam. Slovenska zakonodaja na področju varovanja okolja in ohranjanja narave je skladno z Aarhuško konvencijo javnostim uvedla pravico dostopa do podatkov o okolju in pravico do sodelovanja pri pripravi in sprejemanju dokumentov.

Aarhuška konvencija opredeljuje javnosti v dveh smislih, in sicer kot javnosti in kot vključene javnosti. Pri tem javnosti pomenijo eno ali več fizičnih oseb in skladno z zakonodajo ali prakso posamezne države njihova združenja, organizacije ali skupine. Vključene javnosti so tiste, ki jih okoljsko odločanje prizadene ali bi jih lahko prizadelo in imajo interes pri okoljskem odločanju. Vsekakor je z vidika sprejemanja odločitev izjemnega pomena poleg sodelovanja strokovne javnosti vključiti tudi in sodelovanje zainteresiranih javnosti, če naj bodo odločitve trajnostne. Ustava Republike Slovenije v 72. členu določa, da ima vsakdo skladno z zakonom pravico do zdravega okolja in da država skrbi za zdravo življenjsko okolje.

Zakon o lokalni samoupravi v 21. členu določa, da občina samostojno opravlja zadeve javnega pomena, med katere spada tudi skrb za varstvo zraka, tal, vodnih virov, varstvo pred hrupom, za zbiranje in odlaganje odpadkov in opravlja druge naloge varstva okolja. Zakon o varstvu okolja med drugim v 13. členu določa, da so okoljski podatki javni. Javnost ima pravico sodelovati v postopkih

sprejemanja predpisov, planov, načrtov, ki se nanašajo na varstvo okolja. Podobno določa tudi Zakon o ohranjanju narave, ki neposredno v 57. in 107. členu določa pravice seznanjanja javnosti pri vzpostavljanju zavarovanih območij.

Občinska uprava Občine Maribor je bila že pred sprejetjem Aarhuške konvencije in sodobne zakonodaje na področju varstva okolja in ohranjanja narave pozitivno naravnava do vključevanja javnosti v odločanje o okoljskih rešitvah. Takšna praksa je bila v osemdesetih letih 20. stoletja pomembna in potrebna zaradi premagovanja znanih sindromov NIMBY in NIMET, ki so bili izrazitejši tam, kjer so bili okoljski problemi večji. Za Maribor kot nekdanje industrijsko mesto je bilo vendarle značilno, da se je in se še spopada s težavami, ki jih druga večja mesta v Sloveniji niso imela (odlagališče nevarnih odpadkov v Metavi, odlagališča gudrona na vodovarstvenih območjih).

Na področju varstva okolja so bile javnosti v zadnjem času še posebej aktivirane pri pripravi in sprejemanju Občinskega programa varstva okolja (OPVO) v letih 2007/08. Za pripravo OPVO je bil izdelan in na mestnem svetu potrjen program priprave OPVO, ki je impliciral tudi program sodelovanja javnosti, kar je potekalo v obliki tematskih delavnic, anket, s pomočjo službe za stike z javnostmi in mediji. Na podlagi tega je bil OPVO pripravljen po zelo odprti demokratični poti in je v krogu javnosti dobro znan občinski dokument trajnostnega razvoja. Rezultat tako pripravljenega dokumenta je, da javnosti zainteresirano spremljajo izvajanje dokumenta in v posameznih primerih izvajajo določen pritisk na mestno upravo, kar se kaže tudi v večjem angažiranju sredstev za namene realizacije programa.

Mestna občina je prepoznala tudi potrebo po finančni podpori zainteresiranim javnostim. Tako imamo v letnem proračunu že več let posebno postavko Vključevanje javnosti v okoljsko odločanje, iz katere sofinanciramo programe društev, katerih delovanje je kakor koli povezano z varovanjem okolja in ohranjanjem narave. Na letni ravni za te potrebe namenimo približno 50 tisoč EUR, sredstva dodelimo na podlagi pravilnika, ki ga je sprejel mestni svet. Vsekakor pa je za sodelovanje in vključevanje zainteresiranih javnosti primarnega pomena dostop do podatkov o okolju.

2 Dostop do okoljskih podatkov

Varuh človekovih pravic Republike Slovenije je Mestno občino Maribor izbral kot primer dobre prakse na področju dostopnosti do okoljskih podatkov. To mnenje se je izoblikovalo na podlagi spletne strani www.maribor.si/okolje, ki kot ogledalo odseva vsa področja delovanja občinskega sektorja za varstvo okolja in ohranjanja narave. Ta spletna stran v različnih oblikah obstaja že deset let, v prenovljeni podobi pa je zaživela v začetku leta 2010. Tako tehnično kot vizualno je del spletnega portala Mestne občine Maribor, vendar se vsebina povsem neodvisno oblikuje in objavlja.

Za uporabnika je predvsem pomembno, da je dostop do spletne strani s portala www.maribor.si preprost, kar pomeni, da mora biti povezava na vidnem mestu. Zato smo izoblikovali več možnih načinov dostopanja:

- prek zavihka Hitre povezave s klikom na Okolje in narava – namenjeno predvsem tistim uporabnikom, ki sistematično/namensko iščejo podatke,
- pri zavihku Vreme je povezava Podatki o okolju – namenjeno predvsem naključnim uporabnikom,
- dolgi način: Mestna občina → Mestna uprava → Urad za komunalo, promet, okolje in prostor → Sektor za varstvo okolja in ohranjanje narave – namenjeno predvsem javnim uslužbencem.

Zapomniti si je treba le ključni besedi Maribor in okolje, ob vpisu teh dveh besed pa bodo spletni iskalniki ponudili povezavo do spletne strani na prvem mestu.

Kateri okoljski podatki so dostopni na spletni strani?

Ker se zavedamo, da imajo občani pravico biti obveščeni o stanju okolja, v katerem živijo, v glavnem uporabljamo aktivni načina podajanja informacij, t. j. samoiniciativno. Tako si tudi zaposleni olajšamo delo, ker zainteresirani sami na spletni strani dobijo želene podatke.

Izoblikovali smo šest sklopov informacij:

1. Delovna področja – predstavljamo vsako delovno področje delovanja sektorja posebej: zrak, vode, hrup, narava, podnebne spremembe in odpadki.
2. Projekti – predstavljamo aktualne projekte in arhiv.
3. Sodelovanje z javnostjo – objavljamo vabila na dogodke in vse, kar je povezano s sofinanciranjem okoljskih nevladnih organizacij.
4. Aktualno – objavljamo aktualne informacije in obvestila, ki se tičejo lokalnega okolja.
5. Gradiva – objavljeni so: Občinski program varstva okolja za Maribor, Poročila o stanju okolja ter naši članki, zloženke in brošure.
6. Spletne povezave – povezave so oblikovane po sklopih, in sicer do lokalnih, državnih in evropskih institucij, podatkov in zemljevidov ter drugih sorodnih vsebin.

**MESTNA OBČINA
MARIBOR**
mestna.obcina@maribor.si
tel: 02/22 01 000

Prva stran » Mestna občina » Mestna uprava » Urad za komunalno, promet, okolje in prostor » Sektor za varstvo okolja in ohranjanje narave - podatki o

ZRAK

- O meritvah
- Aktualni podatki o kakovosti zraka
- Poročila
- Meteorološki podatki
- Pravne podlage

VODE

- Podzemne vode - podatki o stanju
- Projekt zaščite podzemnih voda kot virov pitne vode
- Pravne podlage

HRUP

- Karta hrupa
- Javne prireditve - najpogostejše lokacije
- Obrazci
- Pravne podlage

OSTALA PODROČJA

- Narava
- Podnebne spremembe
- Odpadki

HITRE POVEZAVE

- Sofinanciranje nevladnih organizacij
- Gradiva
- Spletne povezave

AKTUALNO

- 29. apr 2010
Informacija o vulkanskem prahu nad Mariborom
- 8. apr 2010
Spomladanska akcija varstva dvoživk Za tremi ribniki zaključena
- 1. apr 2010
Novo mesečno poročilo o kakovosti zraka

starejše objave

KOLENDAR

- 21. apr 2010
Ob dnevu Zemlje
- 19. apr 2010
Predstavitvena delavnica okoljskih nevladnih organizacij
- 15. mar 2010
Predstavitve projektov ob Svetovnem dnevu voda

starejše objave

VREME

Četrtek, 29.4.2010

10°C

9 / 24 PET 13 / 22 SOB 13 / 20 NED

podatki o okolju

ARHIV PROJEKTOV

ADDED VALUE Citeair II Kamenjak Pohorje

Slika: Vstopna stran: www.maribor.si/okolje

Področja kot so zrak, vode in hrup so predstavljena obsežneje, ker se večina dela sektorja nanaša prav na njih. Pri zraku naj izpostavimo aktualne podatke o kakovosti zraka z dveh merilnih mest v Mariboru in enem na Pohorju, ki se osvežujejo vsako uro. Kjer so določene mejne urne vrednosti, je to tudi na grafu označeno. Možen je tudi prikaz v obliki tabele, pod njo pa so navedene vse mejne, opozorilne, alarmne ali ciljne vrednosti za določeno onesnaževalo.

Pri vodah so še posebej zanimivi podatki imisijskega monitoringa podzemnih voda. Na zemljevidu je označenih vseh šest območij vodonosnih sistemov v mariborski in sosednjih občinah. S klikom na posamezno lokacijo piezometra se izriše graf s podatki o vsebnosti pesticidov, nitratov in nivoju vode.

Pri hrupu so vedno bolj aktualni zemljevidi najpogostejših lokacij javnih prireditvev in seveda obrazca za dovoljenje za začasno ali občasno čezmerno obremenitev okolja s hrupom oz. prijavo uporabe zvočnih naprav na shodih in prireditvah. Priložena so tudi navodila za oddajo vloge.

Pri vsakem področju so navedene tudi pravne podlage, najpogosteje je narejena povezava do predpisov, ki so objavljeni na spletni strani Ministrstva za okolje in prostor. Za tak način smo se odločili, ker so predpisi številni in se tudi razmeroma hitro spreminjajo. Kjer veljajo lokalni predpisi, je to posebej navedeno.

Interes občanov

Kot pasiven način dostopa do informacij opredeljujemo podajanje teh na zahtevo občanov. Najpogosteje to poteka po telefonu. Če je mogoče, damo informacijo takoj, v določenih primerih zainteresirane usmerimo na spletno stran ali jih povabimo na pogovor. Ker ugotavljamo, da se vprašanja pogosto ne tičejo neposredno dela sektorja, ampak dela drugih institucij, kot so inšpekcijske službe (medobčinska, državne), ali javnih gospodarskih podjetij, bomo v kratkem objavili še rubriko Pogosta vprašanja. Tako bomo na enem mestu zbrali vprašanja in odgovore s kontaktnimi podatki pristojnih.

Okoljska informacija na podlagi GIS

Po vzoru lokacijske informacije so na občinskem sektorju za geografski informacijski sistem in obdelavo podatkov oblikovali okoljsko informacijo, ki je za zdaj samo v interni uporabi. Deluje na podlagi geografskega informacijskega sistema (GIS) in je nekakšen preglednik nad vsemi okoljskimi podatki na izbrano parcelo. Vsi podatki so shranjeni v aplikaciji Oracle Spatial 10.2.

Sloji, nad katerimi se izvajajo preseki na izbrano parcelo:

- sloji v lokacijski informaciji:
 - občinski prostorski plan:
 - namenska raba,
 - varstveni pasovi za oskrbo s pitno vodo,
 - območja ohranjanja narave – poligoni,
 - območja ohranjanja narave – točke,
- sloji, ki se uporabljajo samo v okoljski informaciji:
 - drugi podatki strokovnih podlag:
 - kartiranje in naravovarstveno vrednotenje habitatnih tipov na območju MOM,
 - podatki v izdelavi:
 - kataster hrupa,
 - območja gozdov s posebnim namenom,
 - drugi podatki:

- parcele z odlagališči gudrona (stara bremena),
- podatki ARSO:
 - ekološko pomembna območja,
 - Natura 2000,
 - zavarovana območja,
- podatki Ministrstva za kmetijstvo, gozdarstvo in prehrano:
 - dejanska uporaba prostora.

Tako je precej olajšano ugotavljanje vplivnih območij raznih dejavnosti, načrtovanje posegov in podobno. V prihodnje načrtujemo izdelavo in podajanje okoljske informacije na zahtevo občanov in dostop do podatkov prek spletne strani. Sklenemo lahko z mislijo, da je objava aktualnih in v razumljivi obliki podanih okoljskih podatkov na spletni strani tako v interesu strokovne kot širše javnosti, namreč le obveščeni in ozaveščeni posamezniki oz. organizacije lahko dejansko aktivno prispevajo k varstvu okolja in ohranjanju narave.

Viri:

Ustava RS, <http://www.dz-rs.si/?id=150&docid=28&showdoc=1>.

Zakon o varstvu okolja, <http://www.uradnolist.si/1/objava.jsp?urlid=200441&stevilka=1694>.

Zakon o ohranjanju narave, <http://www.uradni-list.si/1/objava.jsp?urlid=199956&stevilka=2655>.

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THE PUBLIC AND ITS PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING AND ACCESS TO ENVIRONMENTAL INFORMATION

Abstract The public is one or more natural persons, and – in line with the legislation or practice of an individual country – an association, organisation or group thereof. Public participation is a process that should accompany public documents from their inception to their drafting, adoption and practical implementation. Participation of the public means on the one hand the voluntary involvement of experts and lay people from the community in environmental decision-making, while on the other hand it ensures more intensive pressure on the implementation of documents thus adopted.

A prerequisite for high-quality public participation in decision-making is of course being able to view and access information on the environment and nature. The City of Maribor was selected by the Human Rights Ombudsman of Slovenia as an example of best practices in the area of accessibility of environmental information.

Keywords: environment, public, participation, information, access

1. The public and its participation in environmental decision-making

The participation of the public is any process that includes the public in solving problems or decision-making, and applies contributions from the public in adopting decisions. Public participation in planning long-term measures and decision-making is all the more important, because it is groups from the public that are usually familiar with local issues, interests, objectives, needs and resources. Their participation generally contributes to socially more acceptable and consequently more rational solutions.

In line with the Aarhus Convention, Slovenian legislation in the area of environmental protection and nature conservation implemented for the public the right of access to information on the environment and the right to participate in the drafting and adoption of documents.

The Aarhus Convention defines the public in two senses, as “the public” and as “the concerned public”. Here the public means one or more natural persons, and – in line with the legislation or practice of an individual country – an association, organisation or group thereof. The concerned public means those affected or likely to be affected by environmental decision-making and having an interest in environmental decision-making.

Of course in terms of adopting decisions, in addition to the cooperation of expert circles, the participation and cooperation of interested public parties is extremely important where decisions have a lasting character.

Article 72 of the Constitution of Slovenia provides that in accordance with the law, everyone has the right to a healthy environment and that the state will work to ensure a healthy living environment.

Article 21 of the Local Self-Government Act provides that municipalities independently perform matters of public importance, which include concern for protection of the air, soil, water sources, protection from noise and the collection and disposal of waste, and they also perform other environmental protection tasks.

Article 13 of the Environmental Protection Act provides that environmental information is public. The public has the right to participate in procedures of adopting regulations, plans and designs relating to environmental protection.

A detailed definition is also provided by the Nature Conservation Act, which lays down directly in Articles 57 and 107 the rights of the public to be informed in establishing protected areas.

Even before the adoption of the Aarhus Convention and modern legislation in the area of environmental protection and nature conservation, the City of Maribor administration was positively geared towards involving the public in decision-making on environmental solutions. Such practices were important and necessary in the 1980s in order to overcome the famous NIMBY and NIMET syndromes, which were more pronounced wherever the environmental problems were greater. Maribor, a former industrial city, was ultimately characterised by the fact that it had and is still dealing with problems that other major cities in Slovenia did not have (hazardous waste disposal site at Metava, tar disposal sites in water protection areas).

In the area of environmental protection, more recently the public was especially activated in the drafting and adoption of the Municipal Environmental Protection Programme (MEPP) in 2007/08. For the actual procedure of drafting the MEPP, a programme of drafting the MEPP was formulated and confirmed at the city council, and inherent in this was a programme of public participation, which took the form of thematic workshops and surveys, with the help of the public relations and media office. On this basis the MEPP was drafted through a very open democratic process, and in public circles it is a well-known municipal document of sustainable development. A document drawn up in this way consequently results in the fact that the public has an interest in monitoring implementation of the document and in individual cases the public exerts a certain pressure on the city administration, which is also reflected in the greater allocation of funds for the purpose of fulfilling the programme.

The city authorities also recognised the need for financial support for public groups with a special interest. Thus in the annual budget for a number of years now we have had a special item, "public participation in environmental decision-making", out of which we co-finance the programmes of societies whose activities are in any way tied to environmental protection and nature conservation. On an annual level we allocate around EUR 50,000 for this requirement, and funds are distributed on the basis of a set of rules adopted by the city council.

In any event, access to information on the environment is of primary importance for the participation and involvement of the concerned public.

2. Access to environmental information

The City of Maribor was selected by the Human Rights Ombudsman of Slovenia as an example of best practices in the area of accessibility of environmental information. This opinion was formulated on the basis of the website www.maribor.si/okolje, which reflects all the areas of operation of the municipal Environmental Protection and Nature Conservation Section.

This website has in fact existed in various forms for ten years now, but came online in its upgraded form at the beginning of 2010. Both technically and visually it represents part of the web portal of the City of Maribor, but the content is created and published entirely independently.

For users it is particularly important that access to the website from the portal www.maribor.si is simple, meaning that the link must be in a visible place. For this reason we designed several possible methods of access:

- via the “quick link” tab by clicking on “Environment and Nature” – intended mainly for those users making a systematic or targeted search for information.
- on the “Weather” tab a link is created to “environmental information” – intended primarily for random users.
- the long way: City of Maribor → City Administration → Department of Municipal Services, Traffic, Environment and Spatial Planning → Environmental Protection and Nature Conservation Section – intended primarily for civil servants.

Users need only remember the keywords “Maribor” and “environment”, and on entering these two words, web browsers will provide the link to the website as the first option.

What environmental information is accessible on the website?

Since we are aware that municipality residents have the right to be informed about the state of the environment in which they live, we generally make use of the “active” means of providing information, i.e. through self-initiative. In this way we employees also ease our workload, since interested parties themselves can get to the desired information via the website.

We have formulated six sets of information:

1. Working areas – we present each working area of the section separately:
air, water, noise, nature, climate change and waste.
2. Projects – we present current projects and a project archive.
3. Cooperation with the public – we publish invitations to events and everything related to co-financing of environmental non-governmental organisations.
4. Current – we publish current information and notices concerning the local environment.

5. Materials – we have published: the Municipal Environmental Protection Programme for Maribor, the Report on the State of the Environment and also our own articles, leaflets and brochures.
6. Web links – links are arranged in groups, ranging from local, national and European institutions to data, maps and other related content.

Figure: Entry page: www.maribor.si/okolje

Areas such as air, water and noise are presented more comprehensively, since the majority of the Section's work relates precisely to them.

As far as air is concerned, we should highlight the current data on air quality from two measuring points in Maribor and one at Pohorje, which are updated hourly. Where certain hourly limit values are determined, this is also indicated on the graph. Equally, a presentation is possible in the form of a table under which are given all the limit, warning, alarm or target values for a specific pollutant.

As for water, the data from immission monitoring of underground waters are especially interesting. The map shows all six areas of the aquifer systems in Maribor and neighbouring municipalities. By clicking on the individual location of the piezometer, a graph is presented with data on the concentrations of pesticides, nitrates and the water level.

For noise, increasing relevance is ascribed to maps of the most common locations for public events and of course the forms for permits for temporary or occasional excessive burdening of the environment with noise and the application to use sound equipment at meetings and events. The instructions for submitting applications are also enclosed.

For each area we also set out the legal basis, and most commonly there is a link to regulations that are published on the website of the Ministry of the Environment and Spatial Planning. We opted for this method since the regulations are very numerous, and they also change relatively quickly. Where local regulations apply, this is specially indicated.

Interest of local residents

We define providing information at the request of residents as a "passive" method of accessing information. Most commonly this is performed by telephone. Where possible, we provide information immediately, and in certain cases we direct interested parties to a website or invite them in for a talk.

Since we have found that questions often do not touch directly on the work of the Section, but rather on the work of other institutions, such as inspection services (inter-municipality, national) or public commercial companies, we will soon be posting a FAQ section online. In this way we will gather together in one place questions and answers with contact information for the competent services.

Environmental information based on the GIS

Along the lines of location information, the Geographical Information System and Data Processing Section at the municipality has formulated environmental information, although for the moment this is only for internal use. It operates on the basis of the geographical information system (GIS) and serves as an overview of all environmental information for a given parcel. All the information is stored in Oracle Spatial 10.2.

Layers over which intersections are made on a selected parcel:

Layers in location information:

- municipal spatial plan
- targeted use
- protection bands for drinking water supply
- nature conservation areas - polygons
- nature conservation areas – points

Layers applied only in environmental information:

- other expert basis information
- mapping and nature protection evaluation of habitat types in the municipal territory
- information being formulated
- land register of noise
- areas of forest with special purpose
- other information
- parcels with tar disposal sites (old burdens)
- Slovenian Environment Agency (ARSO) information
- areas of ecological importance
- Natura 2000
- protected areas
- information from the Ministry of Agriculture, Forestry and Food
- actual use of physical space

This serves to ease considerably the determining of impact areas of various activities, the planning of encroachments and so forth. In the future we plan to produce and provide environmental information at the request of residents, and access to information via the website.

We may conclude with the thought that the publication of current and intelligibly presented environmental information on the website is in the interest both of expert circles and the general public, for only well-informed and aware individuals and organisations can actually contribute actively to environmental protection and nature conservation.

Sources:

Constitution of the Republic of Slovenia, source: <http://www.dz-rs.si/?id=150&docid=28&showdoc=1>

Environment Protection Act: <http://www.uradnolist.si/1/objava.jsp?urlid=200441&stevilka=1694;>

Nature Conservation Act, source: [http://www.uradni-](http://www.uradnolist.si/1/objava.jsp?urlid=199956&stevilka=2655)
[list.si/1/objava.jsp?urlid=199956&stevilka=2655](http://www.uradnolist.si/1/objava.jsp?urlid=199956&stevilka=2655)