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# Compensatory and substitute measures for nature conservation

Heruntergeladen am 09.07.2025

<https://fimportal.de/xzufi-services/8664196/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99012047111000
Leistungsbezeichnung I	Compensatory and substitute measures for nature conservation
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Hausbau und Immobilienerwerb (1050100), Bauplanung (2050400), Tier-, Pflanzen- und

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	Naturschutz (2130200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	06.12.2012
Fachlich freigegeben durch	
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bnatschg_2009/index.html">https://www.gesetze-im-internet.de/bnatschg_2009/index.html</a> <a href="https://voris.wolterskluwer-online.de/browse/document/cite/7072844c-c5de-3bd8-8af2-3938cfa91c7d">https://voris.wolterskluwer-online.de/browse/document/cite/7072844c-c5de-3bd8-8af2-3938cfa91c7d</a> <a href="https://www.gesetze-im-internet.de/bnatschg_2009/index.html">https://www.gesetze-im-internet.de/bnatschg_2009/index.html</a> <a href="https://voris.wolterskluwer-online.de/browse/document/cite/7072844c-c5de-3bd8-8af2-3938cfa91c7d">https://voris.wolterskluwer-online.de/browse/document/cite/7072844c-c5de-3bd8-8af2-3938cfa91c7d</a>
Teaser	
Volltext	<p>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 it is becoming increasingly clear that overexploitation and destruction of nature and landscape can have serious negative consequences for humans, the restoration, preservation and long-term and sustainable usability of the natural balance are being sought.</p> <p>The intervention regulation of the Lower Saxony Nature Conservation Act contains rules for dealing with nature and landscape that are not particularly protected.</p> <p>According to the Lower Saxony Nature Conservation Act, an intervention occurs if the shape or use of land is changed and this change can significantly impair the performance of the natural balance or the landscape. An intervention may only be permitted if it copes with all the consequences of the intervention in accordance with the obligations of the intervention regulation. The legal consequences of the encroachment regulation can be - in this order:</p> <ul style="list-style-type: none"> <li>• Avoidance of adverse effects: In the case of a project that constitutes an intervention, care must be taken to</li> </ul>

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ensure that its implementation does not impair the performance of the ecosystem and the landscape more than is absolutely necessary for the implementation of the project. An impairment is avoidable if the project can also be carried out in a modified manner (e.g. postponed or reduced) so that less or no impairment is triggered.

- **Compensatory measures:** Unavoidable impairments of the performance of the ecosystem and the landscape must be compensated. This is achieved if all significant impairments can be reduced to an insignificant level with nature conservation and landscape management measures (compensatory measures). The significant impairments can be considered compensable if the destroyed or significantly impaired functions and values can be restored in the medium term, i.e. over a maximum period of 25 years. The compensatory measures do not necessarily have to be carried out on the spot of the intervention, but in the space affected by the intervention. This is almost always a significantly larger area than the built-up or directly changed floor area.

- **Prohibition:** If, as a result of an intervention, significant impairments of the performance of the natural balance or the landscape are to be expected, which cannot be avoided and cannot be compensated, the intervention is inadmissible insofar as nature conservation and landscape management take precedence in the balancing to be carried out at that time. The balancing decision can only be made on the basis of the overall view of all requirements for nature and landscape. There are no issues that take precedence from the outset.

- **Substitute measures:** If interventions are permitted despite non-compensable significant impairments, the perpetrator of the interference must restore the functions and values of the natural balance and landscape, which are destroyed or significantly impaired as a result of the intervention, in the area affected by the intervention in as similar a manner as possible.

- **Compensation payments** may take the place of replacement measures if replacement measures are not possible, if the land required for their implementation cannot be procured or can only be

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	procured at disproportionately high expense or if the measures are not compatible with the representations of landscape planning. The amount of the compensation payment is based on the duration and severity of the intervention. It amounts to a maximum of 7 percent of the costs for planning and execution of the intervention project, including land acquisition. In all other cases, it shall cover the costs of planning and implementing the omitted measures. The compensation payment is due to the competent authority and is to be used to improve the condition of nature and landscape.
Erforderliche Unterlagen	Documents may be required. Please contact the competent authority.
Voraussetzungen	
Kosten	Fees may apply, please contact the competent authority.
Verfahrensablauf	
Bearbeitungsdauer	
Frist	Deadlines may have to be observed. Please contact the competent authority.
weiterführende Informationen	
Hinweise	Further information and tips can be found on the following websites: <a href="https://www.umwelt.niedersachsen.de/portal/live.php?navigation_id=2261&amp;article_id=8595&amp;psmand=10">https://www.umwelt.niedersachsen.de/portal/live.php?navigation_id=2261&amp;article_id=8595&amp;psmand=10</a> <a href="https://www.nlwkn.niedersachsen.de/portal/live.php?navigation_id=8057&amp;article_id=42496&amp;psmand=26">https://www.nlwkn.niedersachsen.de/portal/live.php?navigation_id=8057&amp;article_id=42496&amp;psmand=26</a> <a href="https://www.umwelt.niedersachsen.de/portal/live.php?navigation_id=2261&amp;article_id=8595&amp;psmand=10">https://www.umwelt.niedersachsen.de/portal/live.php?navigation_id=2261&amp;article_id=8595&amp;psmand=10</a> <a href="https://www.nlwkn.niedersachsen.de/portal/live.php?navigation_id=8057&amp;article_id=42496&amp;psmand=26">https://www.nlwkn.niedersachsen.de/portal/live.php?navigation_id=8057&amp;article_id=42496&amp;psmand=26</a>
Rechtsbehelf	
Kurztext	
Ansprechpunkt	The responsibility lies with the district and the

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	district-free city.
Zuständige Stelle	
Formulare	
Ursprungsportal	Ausgleichs- und Ersatzmaßnahmen für den Naturschutz, Compensatory and substitute measures for nature conservation