

Natura 2000 and Road Planning

Experiences with Stricter Administration
of the Habitats Directive



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Basics of the Habitats Directive

(92/43/EEC from 1992)

Strict protection of some species "everywhere" (annex IV)

Designation and protection of Natura 2000 sites

Impact assessments required



General strict protection

>250 European species from whales and brown bear to butterflies and bugs and their breeding sites and resting places must be protected – wherever they occur





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Strict Protection of Animal species

Guidance on Habitats Directive Articles 12 and 16

Up until now, most of the attention regarding the implementation of the Habitats Directive has focused on the establishment of the Natura 2000 network. This "1st pillar" of the directive refers to the conservation of natural habitats and of the habitats of species. The Habitats Directive however comprises a "2nd pillar", which is related to the protection of species. In particular, Articles 12 and 16 are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States.

A Working Group of Member States formed under the Habitats Committee, met eight times from June 2002 to

Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC

Final version, February 2007



THE NATURA 2000 NETWORK IN THE EU



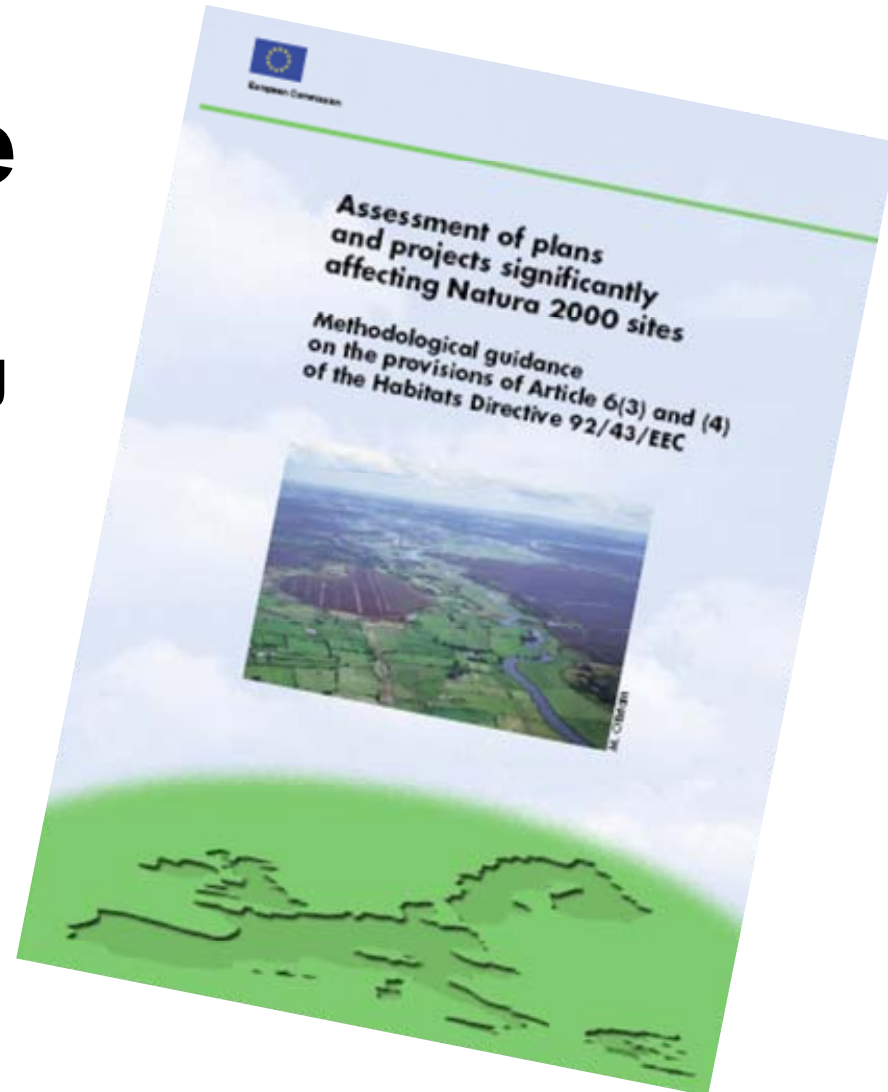
Legend

- National Boundary
- EU Countries
- Natura 2000 Site
- Non Eu Countries



EU Guidance

Assessment of Plans and Projects significantly affecting Natura 2000 sites



EU Court of Justice rulings

- **Turtle judgement 2002 (Greece)**

Driving on a beach judged as a deliberate disturbance of breeding sea turtles.

- **Judgement 2007 (Ireland)**

Deliberate disturbance: deliberate actions which objectively disturb, even though they are not done to disturb the species (eg use of explosives in a project in a bay where annex IV whales occurred).

- **Waddensee cockle judgement 2004**

Precautionary principle.

The protection of Natura 2000 sites

(ECJ ruling C-127/02 Waddensee cockle fishing, 2004)

“Any plan or project ... is to be subject to an appropriate assessment of its implications for the site ... if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects.”

...authorise such activity only if they have made certain that it will not adversely affect the integrity.... where no reasonable scientific doubt remains as to the absence of such effects.”

Danish case experience

Several plans and permissions from counties and municipalities have been underruled by court,

- due to lacking or incomplete assessment of impact on Natura 2000 or annex IV species, or

- because such an assessment showed detrimental consequences of the project.



Danish case experience

Motorway-project around Aalborg City across Limfjord Bay :

Stopped by the Minister of Environment in December 2006 after many years of planning and two EIA studies,

-because the assessment of impact on annex IV species and Natura 2000 was incomplete and insufficient.

The project has now gone more or less dead.

Main issues to remember

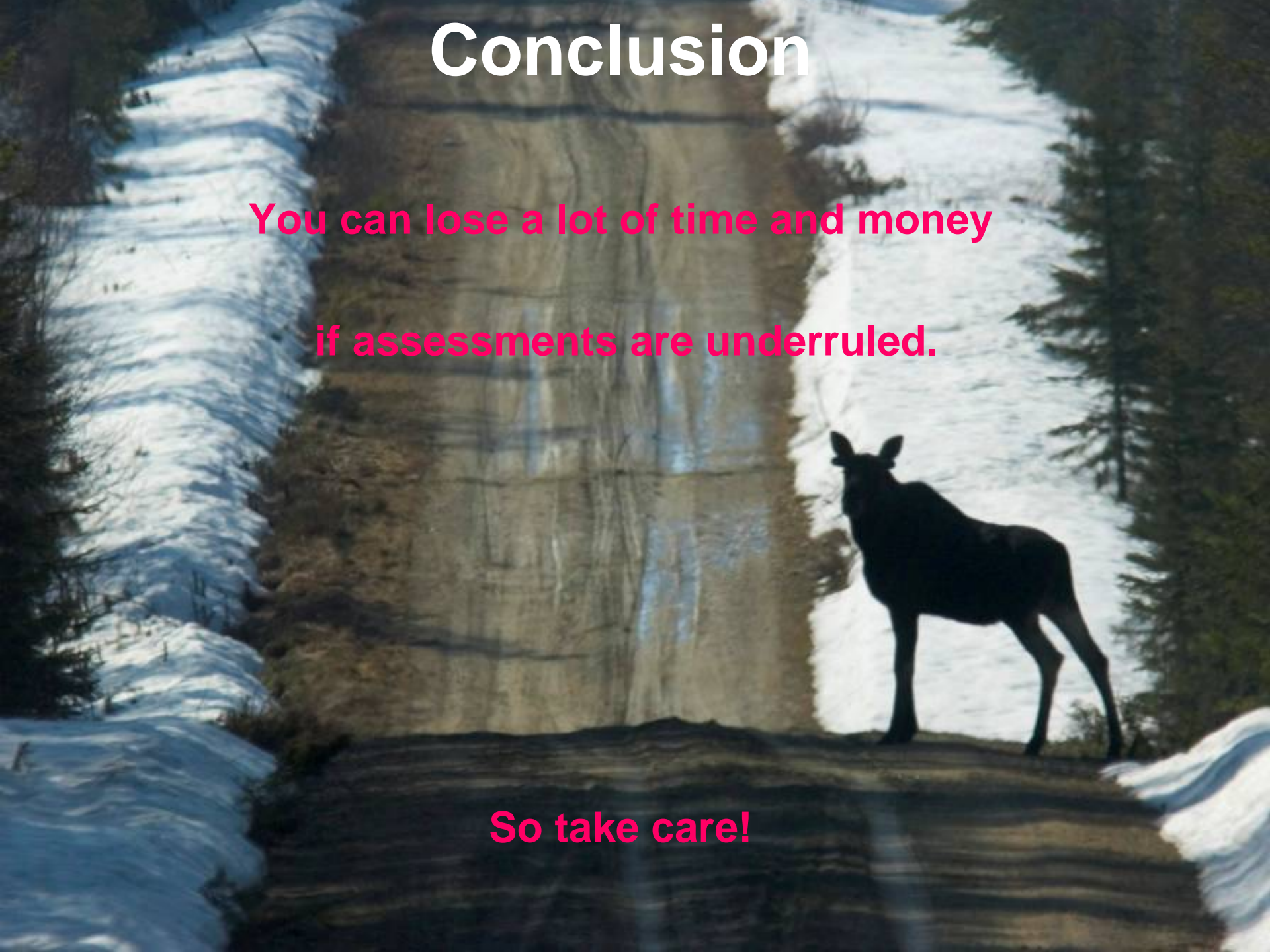
Impact assessment must be included in the planning and project

- **Natura 2000 sites: assessment of site integrity and impact on species and habitats – when in or near a designated Natura 2000 site**
- **Annex IV species – anywhere where these may occur** (screen for potential species presence and survey for breeding and resting places of such species)
- **The necessary relevant surveys should be done by relevant specialists (consultants) at relevant seasons**
- **Incorporate mitigation in the project itself, so that the net impact is non-detrimental and does not harm, disturb or deteriorate habitats, breeding places or resting places of relevant species.**

Conclusion

You can lose a lot of time and money
if assessments are underrated.

So take care!



Thank you for your attention!

More information available on

Best photos courtesy Lassi Rautiainen

http://ec.europa.eu/environment/nature/index_en.htm

I recommend the e-library of the American Road Ecology Centre

<http://repositories.cdlib.org/jmie/roadeco/>

Road Ecology Center
University of California, Davis



Why?

- **The loss in biodiversity is high**
- **It will continue if strict protection is not enforced in all sectors**
- **Important reasons for biodiversity loss:**
 - **Habitat loss**
 - **Habitat deterioration and fragmentation**
 - **Deliberate killing (wolf, bear, illegal hunting)**
 - **Other enhanced mortality (e.g. road kills)**

Road kill probability per road crossing

- Depends on
 - Traffic intensity
 - Animal speed
 - Car speed (less so)
 - Animal behaviour
- Slow animals do not survive crossing a major road one time
- Effect is fragmentation and enhanced mortality

See more:

<http://repositories.cdlib.org/jmie/roadeco/>

