



Ernie Janes (rsfb-images.com)

Mudflats are important winter feeding areas for avocets and many other species of wading birds.

Case studies on Natura 2000 and economic development

Article 6 of the EU Habitats Directive sets out the process to be followed when plans or projects that may affect a Natura 2000 site are being planned.

The overall aim is to assess the effects of potential development and reconcile nature and development interests, thus avoiding damage to Natura 2000 from inappropriate development. But projects of overriding importance can proceed, despite damage to Natura 2000, in specific limited circumstances.

Some vocal critics claim that the Article 6 process is too complicated, that it causes delays and stops projects. However, it is BirdLife International's view that in the vast majority of cases, with careful planning and involvement of conservationists early in discussions about development activities, problems can be avoided and alternative solutions found, or negative impacts compensated.

We see this Article as an excellent example of a very flexible legal framework addressing the biodiversity loss crisis while facilitating sustainable economic practice. There is a range of good examples of it working in practice, and a selection of these are set out here.

Example of strategic Article 6 assessments of a plan

Assessment of German Federal Transport Infrastructure Plan

Key message: consideration of Natura 2000 at the strategic planning level via Article 6 assessment is feasible and can avoid

conflicts, costs and delays at the project stage.

A strategic Article 6 assessment was carried out during the preparation of the 2003 German Federal Transport Infrastructure Plan (FTIP) – a framework plan for investment of €150 billion in transport projects between 2001 and 2015, including 1,800 road projects.

The assessment classified the projects into three categories based on likely effects on Natura 2000: significant impacts unavoidable, significant impacts not excludable and significant impacts excludable. This exercise identified which projects would need project level Article 6 assessment at subsequent stages of road planning (route selection, project approval) and the extent to which project implementation may entail significantly higher costs to avoid adverse impacts or

ensure the coherence of the Natura 2000 network. While there may be scope to refine the approach further, this case study provides a good example of a methodology for Article 6 assessment at the strategic level.

Examples of Article 6 assessments of projects

Kresna Gorge, Bulgaria

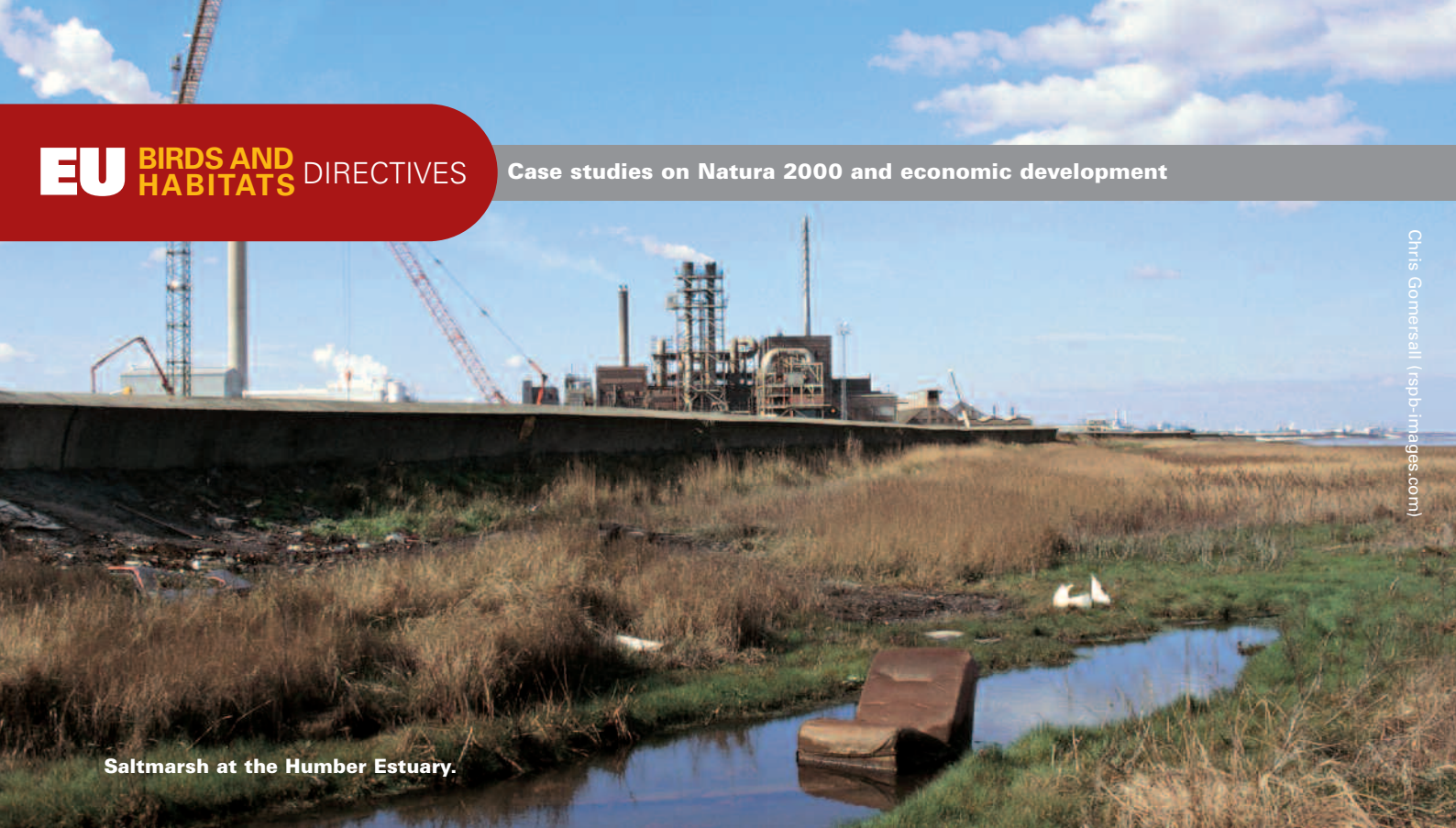
Key message: The Kresna case demonstrates what can be achieved when different stakeholders work together and collaborate to design projects that reconcile nature and other interests.

The Struma motorway is part of the TEN-T corridor from Sofia to Athens. As originally planned, the road would cut through Kresna Gorge, a hugely important biodiversity corridor along the Struma River, protected as a Natura 2000 site. The original

Kresna Gorge – a new 16 km tunnel avoided priority habitats and species.



BSPB archive



Saltmarsh at the Humber Estuary.

environmental assessment of the project failed to consider any alternatives and a second assessment also failed to properly consider biodiversity impacts and potential alternatives. In contrast, road engineers hired by BSPB (BirdLife in Bulgaria) and other non-government organisations (NGOs) to consider alternative routes for the Struma section avoiding ecological impacts came up with possible alternative solutions. Citizens of Kresna town supported NGO concerns.

After 10 years of campaigning and the involvement of both the Bern Convention and the European Commission, in summer 2007 a series of meetings took place between NGOs and the Government to discuss amendments to the proposed routes. An agreement was reached on the design of a new 16 km tunnel through the gorge, avoiding priority habitats and species and thus fulfilling the requirements of Article 6. The tunnel provides the additional safety of being away from the strong seismic areas of the gorge. In December 2007, the Bulgarian Government gave the green light to the tunnel route, at the same time ensuring the conservation of endangered species and their habitats¹.

UK ports sector

Key message: The UK ports sector is an excellent example of the industrial sector and nature conservation groups working closely together over the last 10–15 years to use the Article 6 assessment process to reconcile the needs of the ports sector and nature.

Ports and Natura 2000 sites often compete for the same coastal space: at least 25 of the 39 major ports in England and Wales are in or adjacent to a Natura 2000 site. This overlap is the main reason why historically there had been conflict between the ports sector and nature conservation groups. However, since the late 1990s there have been a number of projects demonstrating the commitment of both sides to find creative solutions that respect the Birds and Habitats Directives, while allowing development to go ahead when it is in the overriding interest of the UK economy. Examples are Harwich channel deepening, Immingham outer harbour, Bathside Bay container terminal, and London Gateway.

Reaching this position has seen significant movement from each side in an effort to reach a better understanding of the other's viewpoint and motivations. Nature conservation bodies have increased understanding of how the ports sector works and the ports industry of how to work with, rather than against, nature conservation. Today, early and open dialogue between the groups is standard practice. Central to this constructive approach is reaching agreement on a series of interrelated issues:

- the scope of the impact assessment
- findings on predicted damage to Natura 2000 sites
- mitigation to reduce (if not avoid) those impacts
- nature and magnitude of residual adverse effects

- objectives, design, and location of habitat compensation measures
- comprehensive monitoring packages.

This is then recorded in detailed legal agreements that provide the necessary certainty and confidence to all parties on what is required of them in order to meet the requirements of the Nature Directives. The decision then rests with the competent authority on whether the strict tests on alternative solutions and imperative reasons of overriding public interest have been met.

As the case studies above demonstrate, even where plans and projects do potentially affect Natura 2000, with careful planning, good solutions to reconcile nature and development can be achieved.

¹ More information: BSPB/BirdLife Bulgaria www.bspb.org/

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