

**IMPLEMENTING NATURA 2000
IN THE CZECH REPUBLIC**

**THEMATIC REPORT ONE:
OVERVIEW OF MANAGEMENT
CHALLENGES**

December 2004

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1 Introduction

1.1 Production of five thematic reports

Within the Phare project 'Implementation of Natura 2000 in the Czech Republic' a series of five reports has been produced covering five main themes, as follows:

- mistakes and problems in Natura 2000 management;
- national sources of Natura 2000 financing;
- conservation management approaches;
- capacity building; and
- transposition and implementation of site management provisions.

The aim of the thematic reports is to identify and make available, concrete, up to date and accessible information on how the 15 'old' EU Member States have approached Natura 2000, including both good and bad practice and lessons learned in the process. In order to do so, the five reports focus on practice in a number of selected sites as follows: the Causses du Quercy in France, the Rhön in Germany, Aldude in Navarra Spain and the New Forest in the UK. The site-based analysis is also placed within the broader context of regional/national experiences and approaches.

In order to produce the five thematic reports, a series of country-based reports was produced, each covering the five themes. These reports were produced by ACER (France), IDRiSi (Spain) and IEEP (Germany and UK) with additional input and support from Ecosystems LTD. Apart from being used as the basis for the five thematic reports, these country studies were used as key reference documents for the participants in three Study Tours organised as part of the project during September and October 2004.

1.2 Focus of this report

This particular report focuses on key problems in Natura 2000 site management at the selected sites. The aim is to describe how the most challenging aspects of implementation have been overcome, and to identify particular cases of bad and good practice. The report is structured according to three main headings:

- site selection;
- site management and protection; and
- stakeholder participation.

Local experience from the sites has been used to demonstrate different approaches, but this is placed in a regional/national context, as well as the broader EU context.

2 Key issues in relation to habitats Directive site selection

2.1 Introduction

The EU habitats Directive introduces the Natura 2000 concept, as well as a new type of protected area – Special Areas of Conservation (SACs). In relation to SACs, Member States have to select sites on the basis of ecological criteria alone. These sites have to be forwarded to the European Commission, accompanied by Natura 2000 data sheets and maps providing the minimum level of information for each site.

Some guidance for assessing site lists has been provided by the European Topic Centre for Nature Conservation.¹ The broad approach adopted by the Topic Centre is generally known as the '20/60 guidelines'. Habitats and species for which 60% or more of the total resource is contained within the proposed sites are generally considered to be a low priority for further scrutiny; features for which representation is less than 20% are a high priority, and those for which representation is between 20% and 60% are treated on a case-by-case basis.

The Commission has made it clear that these figures are for guidance only, and that these threshold values are intended to inform debate at the biogeographical seminars, and not for application as rigid rules. National site proposals (proposed Sites of Community Importance or pSCIs) are assessed by the Commission at biogeographical level, with bilateral (Member State/Commission) discussions to address any insufficiencies in the proposed lists.

2.2 France

2.2.1 National context

Before Natura 2000 sites were established, there were three parallel approaches to the conservation of habitats and species in France:

- regulatory protection, especially through national parks and nature reserves;
- protection by land purchase or equivalent action through the establishment of a dedicated authority for the coasts, through local public authorities (France's geographical 'départements') and through NGOs, who also played a major role; and
- territorial projects in which one of the main objectives could be nature conservation, particularly in Regional Nature Parks.

The first two approaches involved only limited land areas, and initial inventories under the habitats Directive revealed that Natura 2000 would need to be on a much larger scale. This came as a considerable shock to rural interest groups who were worried about '*a sterilisation of the environment solely for nature protection*'. In addition, the concept of management plans was only employed for parks and reserves, or for forestry management. So it seemed necessary to develop new concepts that

¹ The European Topic Centre for Nature Conservation (ETC/NC) (now the European Topic Centre for Nature Protection and Biodiversity) prepared guidance (*Criteria for assessing national lists of pSCI at biogeographical level*) to aid assessment of proposed national site lists at biogeographical seminars. A working draft of these guidelines was endorsed by the EC Habitats Committee in 1997.

could link the ambitious objectives of conservation of biodiversity, with socio-economic, regional and cultural needs, within the Natura 2000 network.

The French Ministry of the Environment approached a local NGO to undertake a LIFE-Nature project to develop such a new concept for management plans. When the French government blocked the implementation of Natura 2000 in 1995, under pressure from local interest groups, it was this LIFE-Nature project that enabled discussions to start again and a strategy to be set up for implementing Natura 2000 in France.

The LIFE Programme was called 'Experimental development of management plans for French sites of the future Natura 2000 network', and involved developing management plans for 37 pilot sites. In June 1998, a methodological guide for management plans was published.

The Ministry for the Environment also produced inventories of natural habitats and species and species of the habitats Directive. They were drawn up at national level by the National Museum of Natural History, using scientific experts and specialists from social and professional organisations. They serve as reference for the local and concerted definition of the main areas of site management.

2.3 Germany

2.3.1 National context

In Germany, the constitutional responsibility for the site selection and notification process lies with the 16 *Bundesländer*. They ratify and publicise their lists of proposed sites before passing them on to the Federal Environment Ministry for notification to the Commission. Under general procedures, the Federal Nature Conservation Agency/Ministry must consult other federal departments on their views, and the potential implications of site designation. The Federal government, because it has no competency on nature conservation, is not responsible for site notification or protection. Where the State owns land, it has responsibilities similar to those of a private landowner.

2.3.2 Regional dimension

In Hessen, as elsewhere in Germany, site selection was taken forward in a number of stages. Progress was hindered by a general reluctance on the part of the *Landesregierung* (government of Hessen) to select sites purely on the basis of scientific criteria. In 1998, the first tranche of sites simply consisted of existing nature reserves that were larger than 75 hectares in size. Subsequent notifications went beyond this, but still failed to attract the Commission's approval on grounds of being incomplete. In particular, there was concern that certain areas had been excluded from notification for economic reasons (eg to allow for motorway or airport development). Even the advice of government and agency staff was at times ignored.

Political commitment was only felt, when in 2000 the Commission threatened to withhold rural development funds from Germany. The threat could be averted by immediate promises to significantly amend the list of sites within six months. In

addition to these informal threats, the Commission also commenced legal action against Germany in 2001 for failing to classify sufficient sites under the birds Directive. Hessen in particular was named for only classifying a disproportionately small number of sites.

The Commission's threats had considerable effect in mobilising efforts to submit further sites. Unfortunately, given the *Landesregierung's* reluctance to designate more sites, no resources had been made available to support additional site inventories. Faced with having to suggest new sites within just a few weeks, the nature agencies often had to act without all the necessary information. At the time, a 'shadow list' prepared by a local non-governmental organisation (NGO) was used as a guide for overall coverage and sufficiency. Much of the relevant biological information is only being collected now, after site notification has taken place.

This piecemeal approach to notification created a feeling of uncertainty amongst many landowners and users but also amongst government departments within the *Land* (Forestry, Military). In particular the need to revise the list after initial site selections had been politically sanctioned by the *Landesregierung*, created the impression that an unreasonable request for more sites was being made by the nature lobby.

2.3.3 *Site specific selection issues*

The Rhön managed to escape from this backlash from stakeholders to a certain extent. This is probably due to the fact that the site had already received a lot of attention during its designation as a Biosphere reserve in 1991. As a result the landscape values had already been communicated and capitalised on as assets for local development, and there was buy-in from local stakeholders. The Natura 2000 designation was consequently not seen as a major issue. In addition, a lot of work on stakeholder dialogue and communication had been initiated through a LIFE project to explain what Natura 2000 meant in practice and to identify additional opportunities for local stakeholders.

Even so, by September 2004, the notification process for the *Hohe Rhön* pSCI had not been completed. Although revisions to the site were forwarded to the Federal Environment Ministry in early 2004 they had not been submitted to the European Commission by September.

2.4 *Spain*

2.4.1 *National and regional context*

In 1995, the National Commission on Nature Protection (a body set up to coordinate action between regional and State governments in this area) established a working group dedicated to implementation of the habitats Directive. The group is made up of representatives of the State and regional environment authorities. It was agreed that the regional governments would propose SCIs, under a process managed by the State government. The State government is responsible, in partnership with the regions, for evaluating the proposals according to an agreed methodology, and for fusing them into a set of national proposals.

The State Ministry of Environment undertook an analysis using a LIFE-funded national Annex I GIS² inventory of the existing network of protected areas in Spain, in order to establish whether these areas would be sufficient to fulfil the requirements of the habitats Directive. The conclusion was that, for the great majority of regions, the existing areas would not be sufficient. The Ministry is now carrying out the second phase of this project and producing a 1:50,000 inventory of habitats not included in the habitats Directive.

The regional governments (environment authorities) then developed their site proposals, using the data available to them from the national inventories and from regional studies. In most cases, the approach taken was to analyse the deficiencies of the existing protected areas network, and to add areas as necessary in order to improve the coverage of particular habitats and species.

The State and regional authorities evaluated the proposals for each biogeographical region to determine if the coverage of habitats and species was sufficient to meet the requirements of the habitats Directive. They used national criteria along with those developed by the European Topic Centre for Nature Conservation.

The establishment of a common approach, with agreed criteria for site selection that are considerably more demanding than those of the European Commission, has worked well in Spain. Although close examination reveals many deficiencies in the site selection (as it surely would do in most Member States), the general impression is that the Spanish environmental authorities have done a good job in difficult circumstances. Scientific teams have been relatively free from political control, allowing for site proposals that respond quite well to the needs of nature conservation. This is illustrated by the fact that Spain has many large sites (some are well over 100,000 hectares in area). In some regions, a high percentage of the territory has been proposed for Natura 2000, for instance 40 per cent of the region of Madrid. Over the whole country, pSCIs represent 23 per cent of the territorial area of Spain.

This approach to site selection has been possible partly because of the lack of publicity given to the process. There has been very little debate in Spain about the implications of Natura 2000, whether for nature or for other interests. The downside of this approach is that there is very little public awareness of the network (see below).

2.4.2 Navarra

In 1997, the Navarra region put forward its initial site proposals which included the existing network of natural areas (mainly nature reserves) and the areas proposed as Natural Parks in legislation. The existing network of protected areas, however, was not seen as representative of all habitats and species. It was composed of small disconnected areas which were difficult to manage and very vulnerable to surrounding activities.

² GIS means Geographic Information System and refers to mapping software that can be used to display layers of information about a site, eg vegetation cover, soil type, species present etc.

The proposal was therefore modified using the following procedure. An overall conservation value for each area of Natura 2000 habitat (found using the national 1:50,000 inventory and regional Department of Agriculture 1: 25,000 inventory) was obtained using indicators of representativeness, naturalness, isolation, fragmentation and size. Multivariate statistical analysis was used to select the areas of greatest conservation value, according to the following criteria (in order of preference):

- number of habitats included in the region's SPA or Protected Natural Space network;
- public land;
- size and shape; and
- density of infrastructure.

Manual corrections were made to the proposals, taking into account the relative position of the selected areas and their contribution to the coherence of the network in order to form ecological corridors or migratory routes. A new proposal was then put forward in 1999 (awaiting European Commission approval) which has remained largely unaltered and which is considered to meet all the demands of the Directive.

A number of issues were identified as problematic at the local level. One important issue was the lack of scientific and technical knowledge regarding many species, their current conservation status and the requirements to their long-term viable populations.

The national 1: 50,000 scale inventories were considered too large to be able to accurately establish the area occupied by each habitat. There were also errors at the local level. Existing 1:25,000 Department of Agriculture land use maps were not sufficient to differentiate all the habitats or to establish conservation status. Between 2000 and 2003 the Environment Department revised the region's habitats inventory at the 1:25,000 scale within pSCIs.

Other issues included the following:

- Annexes I and II of the habitats Directive did not adequately reflect the range of habitats and species in the Mediterranean region;
- three biogeographical regions occur in Navarra – even though this makes little sense at the regional scale;
- imprecise definitions of some habitats of Community interest in the EU Habitats Manual led to differing interpretations;
- lack of definition of some key issues in the habitats Directive, eg, the need to maintain and manage those elements that provide coherence to the network (ecological corridors);
- vague protocols regarding the application of Article 6, including non-impact certificates (certificados de no-afección), information which needs to be sent to the Commission regarding impacts to habitats and species, and mechanisms to pass compensatory measures; and
- doubts existed regarding the financing of Natura 2000 - leading to a reluctance to include sites in Natura 2000.

While these issues are not insignificant, the site selection process has benefited from rigorous methodology (national and regional) using indicators and a computer

package that allowed multivariate analysis to be carried out. There was also detailed mapping of each site using GIS. A dedicated Natura 2000 team funded by, but working separately from, the Environment Department, has also been important. While the site-mapping and proposal processes have followed similar paths in all Spanish regions within a common national framework, the Natura 2000 team in Navarra appears to have been especially thorough and relatively well-resourced compared with some other regions.

2.5 UK

2.5.1 National context

As in other Member States, the UK has had to acknowledge delays and insufficiencies in site selection and notification. The initial approach was to notify only the ten or so 'best' sites for any given habitat or species to the European Commission, selected from a pre-existing list of Sites of Special Scientific Interest (SSSIs). This approach was rejected by the Commission and experts at the first biogeographical seminars in 1999, where the UK's submission was judged to provide insufficient representation of a relatively large number of features (37 habitats and 28 species). Additional sites and information had to be put forward to ensure sufficient coverage (geographically and proportionally) and improve site inventories. The most recent submission to the Commission was made in July 2004 (Tranche 32), and is thought to be the final tranche for the UK.³

Also it took some time for the message that large SACs, amalgamating a series of smaller SSSIs, were a good approach. As the site selection and designation process has evolved, so larger complex sites such as the New Forest have emerged. These are more meaningful in a European context. Thinking about designation and the added value of pSCIs over and above the SSSIs has been an iterative process. In hindsight perhaps more cooperation at EU level at the start of the process, as is currently the case with the Water Framework Directive pilots, would have encouraged thinking outside of national contexts.

As more sites were requested, first to substantially add to the initial list and then to supplement a more complete list with regards to habitat or species coverage, more information was needed. Data have been difficult to obtain for some habitats, either because they have been poorly studied in the UK or because of problems in relating Annex I categories to standard UK vegetation classifications. It was often necessary to re-interpret the habitat information in terms of Annex I habitat types, which cost time and staff resources.

To tackle this problem in a coordinated fashion, the interpretation of habitats, additional surveys and assessment of representativeness in the national list was coordinated through a centralised body – the Joint Nature Conservation Committee (JNCC). For each of the four countries that comprise the UK, the conservation authority responsible collated the necessary information and passed this onto JNCC for final consolidation.

³ Some uncertainty still remains, notably with regards to the notification of a number of large estuaries. Offshore sites are to be submitted later.

In conclusion, there were relatively few information gaps at national level on sites to be selected for Natura 2000 although some sites and habitat types were somewhat more problematic than others. Problems with matching national habitat classifications to the CORINE biotopes were more significant in the UK.

2.5.2 Local site situation

The New Forest site has been protected, at least in parts, for the past half-century - first notified as a nature reserve, then as a SSSI, and now as a candidate SAC (pSCI). SSSIs are recognised sites of national importance, and are used to underpin the selection and designation of sites of European importance – ie pSCIs and Special Protection Areas (SPAs). Thus the majority of all UK sites of European importance are also recognised as of national importance. Nevertheless some additional inventories were required to complete the list, particularly for marine and riverine areas.

The long management history of the New Forest pSCI has created a situation where much of the information required for a full ecological inventory and for submitting the Natura 2000 data form was already available, and relatively little change in land management was needed. Some adjustments had to be made to ensure full compliance with the requirements of Annex I and II of the habitats Directive.

A detailed review and re-mapping of the New Forest Annex I habitat types was carried out in light of locally available information and the UK's national vegetation classification mapping. Not all national vegetation classifications were easily matched to the CORINE biotopes that provided the basis for the Annex I review in the UK. It took approximately one year to produce a full GIS-compatible map of the New Forest pSCI, which corresponded fully with the habitats Directive priorities. The map subsequently provided the basis for the development of the site management plan.

In addition to data gaps, tight deadlines for the completion of site selection and site management planning had to be met. This somewhat amplified problems in data collection and processing, although no significant delays are thought to have occurred as a result. One person was responsible at local level for co-ordinating data collection and for preparing the site inventory. However, local staff could rely on national experts for information on particular habitat types and species, and legal and administrative support was available from the national office of English Nature, England's nature conservation agency.

Some of the relevant information was available on request from national databases (eg aerial photographs and species data). Where information was missing, English Nature staff relied on NGOs and other local knowledge. While time-consuming, it was possible to collate all the relevant information. Much of the human resources and some of the technology (eg GIS) were financed by part of the first of two LIFE projects in the New Forest.

2.6 Lessons for the Czech Republic

The initial approach, taken by several EU Member States even those with a strong tradition of nature conservation, was quite unambitious. The lack of ambition was reflected in a conservative and piecemeal site selection process, characterised by insufficient site proposals and extended biogeographical discussions and negotiations to extend the proposals.

A fundamental issue was the approach taken to Natura 2000 site selection, with some Member States treating Natura 2000 as little more than a collection of national sites. Sites were commonly selected on the basis of existing protection schemes, rather than reflecting wider European interests. This view has changed over time, and there is now a better appreciation that Natura 2000 should become a coherent European ecological network which will not necessarily overlap with national designations or interests.

Different approaches used by Member States in site selection

Use of existing nationally protected sites as the basis of the national list (eg UK, Denmark, Sweden), OR *major inventory work* to be able to collate the information at a national level in order to select sites (Spain, Greece, Ireland).

Strict designations involving tightly demarcated areas with targeted habitats and species (UK, France), OR *larger areas with large buffer areas* to create an ecologically coherent management unit (Portugal, Spain).

Public consultation already undertaken at the site selection stage (UK), OR *still to go through this process* (France, Italy, Spain).

Centralised approach to site selection (UK, France) OR *bottom-up* (Germany).

National site proposals have been extended as a consequence, but only after the Commission intervened and demanded additional sites. That process was supported by threats from the Commission in 1999 and 2000, to withhold EU funding unless site lists were forthcoming. These threats meant that Member States sought to add sites rather at the last minute and with some urgency, with NGO shadow lists used to underpin draft site proposals to the Commission in some cases. Although this was useful for the NGOs, it put Member States in a sensitive position as it becomes more difficult to subsequently change draft lists once they have been submitted.

A central issue has also been the extent to which scientific criteria alone underpinned the site selection process. According to the Directive and rulings of the European Court of Justice, scientific criteria should be used by the Member States, whereas socio-economic criteria can be considered in the biogeographical seminars and related Member State/Commission negotiations. And yet, Member States have attempted to exclude sites or parts of certain sites from Natura 2000 site designation to preserve opportunities for economic development. This has not escaped the notice of the Commission, which has usually insisted on including entire sites for completeness of list. This does not mean that economic development cannot go ahead, but developments will be subject to controls set out under Article 6 of the habitats Directive.

One issue associated with the scientific basis for site selection was the fact that Member States organised consultation processes with land-owners and users. In some

cases, this generated a delay in the process. Early communication with such interests is normally to be recommended, however, in order to bring stakeholders on board and dispel myths about the implications of Natura 2000 for economic development. However, it has generally been misleading to present consultation exercises as a way to influence site proposals. The result is that consultation exercises not only delayed the process but also caused frustration amongst stakeholders.

Another obstacle to site selection was the lack of communication and coordination between local and national authorities. In the UK and Spain, the national authorities established a specific central coordinating body to compile their national lists based on regional proposals. This established a good line of communication between the levels and a sense of shared ownership for the process, and made it easier to propose and complete the national lists of Natura sites.

The degree of difficulty and effort in proposing a national list of Natura 2000 sites was also related to the level of scientific information available for site selection. Whilst much of the scientific information existed already in most countries, there was often a need to adapt national classification systems to correspond to the EU systems (eg via habitat interpretation manuals) and to complement and refine the existing maps and data sources with additional inventories, so as to reflect the specificities of Natura 2000.

Some countries such as Spain had to carry out a major national inventory of sites in order to propose their list, and applying the European guidelines did not always prove helpful. This was possible thanks to the allocation of dedicated resources (and LIFE funding) and although time consuming, did not in the end constitute a major obstacle to site selection.

By contrast in Germany, many of the sites were already protected regionally, and few additional resources were allocated to complete the Natura list. There was therefore no clear focus on this issue, which made it much harder for local authorities to dedicate necessary resources. It was only when the Commission threatened to withhold Structural Funds for lack of compliance with the habitats Directive that major efforts were made at the regional level to complete the list.

3 Key issues in relation to management planning and the protection of sites

3.1 Overview of progress

The habitats Directive demands that Member States ‘establish the necessary conservation measures’ to correspond to the ecological requirements of the site or species for which the site has been designated. This may involve the establishment of appropriate management plans.

Even though management plans are not required under the habitats Directive they are widely considered as being vital for successful site management in many cases. In particular, they are a means of knowing what Natura 2000 means in practice in a transparent and participatory manner. Management plans provide a means for working across administrative and policy boundaries and with different public authorities at an early stage. Natura 2000 sites involve many different land uses and it is essential to cut across these boundaries at government level as much as private landowner level. As far as possible, plans should also be linked with rural development programmes and other regional development and/or funding programmes. This enhances possibilities to create new opportunities for rural land use. For example, there is potential for greater linkage in Spain, and private farmers are interested in pursuing this. However, there is insufficient ‘interest’ or policy commitment from the Spanish Ministry of Agriculture.

By the end of 2000, the development of management plans for pSCIs was still at an early stage in all of the EU15 Member States, with the UK and France being the main exceptions. In France, ‘documents of objectives’ (*documents d’objectifs* or DOCOB) are in place at 309 sites, and a further 517 are in the process of being produced.⁴

3.2 France

3.2.1 National context

The process for introducing management plans or DOCOB in France consisted of three elements:

- bringing together a steering committee including people working to protect biodiversity, representatives from rural agencies and organisations and farming and forestry associations, and representatives from relevant public authorities;
- drafting a national framework for management plans on the basis of 37 pilot sites; and
- producing, in the longer term, an educational manual and legal texts so that this approach could be extended to all Natura 2000 sites.

The manual was published at the end of the project in 1998⁵, but the legal texts and their implementing provisions took a little longer (2000 to 2002). At the time of

⁴ At December 2004, data from http://www.ecologie.gouv.fr/IMG/pdf/Natura_2000_29_11_%2004.pdf

⁵ The manual is available for download from http://www.europarc-es.org/intranet/EUROPARC/publicado/biblioteca_virtual/rn2000/doc_obj_rn2000.pdf

writing this report there were 309 management plans (DOCOB) in place, and a further 517 in the process of being produced.

DOCOB are prepared under the responsibility of the Prefect of each *département*, with the assistance of a technical operator, and on the basis of wide-ranging local consultations. The following process is used:

- a facilitator drafts the management plan in consultation with all local interest groups;
- the parties meet periodically within a steering committee and/or working groups. Only once this group has reached its final decision, is the document passed on to the State for validation;
- technical studies are drawn up to allow specification of the ecological (map of habitats and species in the directive) and socio-economic characteristics of the Natura 2000 site; and
- local interest groups work together to define the management objectives and their practical application through the development of specific contracts with private landowners, which the State signs and funds as necessary.

The process may appear cumbersome, but it has the advantage of bringing Natura 2000 into the centre of all discussions on rural development, with a clear emphasis on public consultation and integration of socio-economic interest groups in the process. The weak aspects of this process come from the lack of field knowledge that had to be overcome, and the absence of a definition for the favourable conservation status.

Specific tools are now available to government departments and agents to aid the development of DOCOB. These include the guide to methodology discussed above; a training programme for government officials and technical agents; and a series of scientific and technical data sheets (*cahiers d'habitats*⁶) produced by the Ministry of Ecology and Sustainable Development. These data sheets provide detailed information on the conservation interest and needs of each of the habitats and associated species covered by Natura 2000. They also outline management recommendations, production capacities and economic use, which is useful in doing such things as determining appropriate levels of commercial forestry activities.

Once the management guidelines are in place and depending on the kind of extra management required, site managers can accept the provisions of the DOCOB by entering into a 'Natura 2000 contract'. These contracts are signed directly between the State (via the *département* Prefect) and holders of real or personal rights to use of the land concerned. Contracts are signed for a minimum of five years. They include specifications of the work to be carried out to conserve or restore habitats and species, the nature of funding from the State, and the conditions of the payments. State grants may be awarded as investment subsidies or annual payments per hectare.

Contracts signed with farmers are in the form of agri-environment measures, usually within Global Farm Management Contracts (*contrats territoriaux d'exploitation* (CTE), *contrats d'agriculture durable* (CAD)). As with Natura 2000 contracts, parties

⁶ Available online at: <http://natura2000.environnement.gouv.fr/habitats/cahiers.html>

have to comply with the requirements of the DOCOB to qualify for preferential funding.

3.2.2 *Local context*

At the local site level, for the site ‘Vallées de l’Ouyse et de l’Alzou’, a DOCOB is currently being developed. For the site ‘Vallées de la Rauze et du Vers et vallons tributaires’, a DOCOB has just been approved but no implementation structure has been put in place yet and management measures have not yet been implemented.

3.3 *Germany*

3.3.1 *National context*

The situation in Germany is very diverse, as each of the 16 *Länder* has taken its own approach to Natura 2000 and aspects like management planning. Broadly speaking, one can say that large parts of what has been proposed for Natura 2000 has already been under conservation management prior to Natura 2000, especially in the former West Germany, often going back into the 1980s and before. Management planning and practical site management of the Natura 2000 areas is thus very often a continuation and/or expansion of this previous work and experience.

Stakeholder opposition to Natura 2000, outlined below (section 4.3) has reduced but remains a legacy the Natura 2000 management planning and site management is having to deal with. Management planning is also affected by the fact that the classic instrument for protecting sites, the nature reserve (Naturschutzgebiet, NSG), has tended to be restrictive and prescriptive – giving a list of prohibitions above all. Initially conservation authorities often did have stringent protection of the future Natura 2000 areas through prohibitions on ‘inappropriate’ use and access in mind, which further fuelled resistance. Even where not, the perception was widespread that conservation meant classic NSG nature reserves with strict rules and prohibitions, and that this is how Natura 2000 would also be implemented.

Although the *Länder* are competent for nature conservation, the Federal conservation law (Bundesnaturschutzgesetz) sets the framework for their laws, and it is the means by which international obligations (like Natura 2000) are transposed. After long debate, the recently-adopted revision of the Federal conservation law has brought an important shift. For Natura 2000 transposition, it proposes contractual arrangements at site level as an alternative to strict regulatory protection as nature reserve (NSG). A *Land* like Baden-Württemberg has already created new-style NSGs (e.g. around the Federsee) in which the conservation objectives are set, but the approach how to achieve them is left quite open, to be dealt with on a case-by-case basis together with individual stakeholders. Hessen has seized on the opportunity offered by the revised Federal law: Hessen’s nature laws provide that ‘through suitable rules and prohibitions, as well as through management measures, compliance with Article 6 of the Directive is to be guaranteed’.⁷

⁷ German text Article 20b ‘[d]urch geeignete Gebote und Verbote sowie Pflege- und Entwicklungsmaßnahmen ist sicherzustellen, dass den Anforderungen des Artikles 6 der FFH-Richtlinie entsprochen wird.’

Each German Land, within the framework of the Federal law, is therefore finding its own specific way to implement Natura 2000. This can involve management plans - for instance, Bavaria intends to produce specific Natura 2000-oriented management plans for all its Natura 2000 sites – but there is no blanket obligation within the Federal framework law.

3.3.2 *Länder context*

Around 40 per cent of the site is privately owned, 30 per cent is owned by the *Land* (Hessen), 25 per cent by the federal state (mostly the Federal Ministry of Defence), and 10 per cent by the communes. Private land must be managed by individual landowners, whereas public land is managed by the relevant administration. In case of land owned by the Ministry of Defence, the Federal Forestry Agency assumes management responsibility, whether it concerns forest or open countryside.

Much of the *Hohe Rhön* pSCI is already protected under *Länder* law (NSG, LSG). It further includes 42,000 hectare SPA of 42,000, which is protected in accordance with the birds Directive. This has ensured baseline protection for some time, with some land management undertaken in accordance with relevant conservation legislation in Hessen. The existing national designations are being maintained, in places requiring stronger protection than the European designation.

Following a change in transposing legislation, it is government policy in Hessen to favour contractual and/or voluntary agreements over legal measures to achieve appropriate management. This applies to specific land management measures on individual plots of land (eg grazing or mowing), as well as to assigning management responsibility for larger units of land to landowners. A good example is private forests, where foresters are responsible for preparing site inventories, management schemes and monitoring activities. Contractual arrangements also helped to settle the dispute with the Ministry of Defence, which objected to the statutory designation of their land (see box).

Involving other authorities: the example of military training areas

Around 25 per cent of the *Hohe Rhön* pSCI is owned by the Federal Ministry of Defence, and is used as a military training ground. In selecting this area for national nature reserve designation and subsequently as a pSCI, the *Landesregierung Hessen* faced considerable opposition from the federal level administration.⁸ Despite the site's conservation value, the Federal Ministry of Defence argued against its designation by contesting the *Landesregierung's* competency in designating and in assuming management responsibility over federal land.

The *Landesregierung Hessen* defended its position in the courts until a change in the transposing nature legislation (in Hessen) provided that, in achieving the aims of the habitats Directive, priority should be given to contractual rather than legislative measures. This led Hessen to propose and enter into an out-of-court settlement with the Ministry of Defence and the Ministry of Finance, which heads the Federal Forestry Agency, which in turn is responsible for the management of most Federal land (whether forest or open land).

Under this agreement, the Federal Forestry Agency is expected to assume appropriate management, while military activity can continue more or less unchanged. The Forestry Agency is responsible for

⁸ Most of the discussions in relation to the military area in Hessen were in fact related to its designation as a national nature reserve, and not Natura 2000. Some of the issues are related, although nature reserve protection on the whole is stricter than Natura 2000 designation.

developing an ecological inventory for those 25 per cent of the pSCI it owns. The *Landesregierung* (Hessen), has undertaken to remove the nature reserve designation, and will not impose any statutory restrictions under the SAC designation, unless significant problems occur and no contractual agreement can be found.

The contractual approach has some potential problems. It is difficult to protect sites from the activities of third parties who are not bound by the specific contractual agreement. Contracts may fail to protect sites from other land users (eg recreational users) who are not bound by the contract. Relying only on contractual measures arguably also fails to recognise the natural value of the site in law. This is an issue that has been recognised within Hessen's government.

In Hessen, as elsewhere in Germany, consultants who specialise in city and/or countryside planning and environmental impact assessment often develop ecological site inventories. This is done in close cooperation with the nature conservation agencies or relevant ministries. Management plans are then prepared on the basis of this information, sometimes by the same consultants.

Not unlike the site selection process, the identification of management concerns has been piecemeal. While management pressures have often been identified for sites under long-standing national designations, 'new' areas that have only recently been proposed for designation under Natura 2000 usually lack a full inventory of interest features and potentially damaging activities. There is no comprehensive document identifying management pressures for the Rhön pSCI to date.

3.4 Spain

3.4.1 National context

Compared with many other Member States, the site management process in Spain has been relatively uncontroversial at the national level. This can be explained by various factors:

- there has been little transparency or consultation, so that stakeholders generally have not been aware of the process or its implications;
- existing Natura 2000 sites, ie birds Directive SPAs, have generally not presented an obstacle to development and land-use change in Spain, and consequently, Natura 2000 is not perceived as a very strict approach to site protection;
- proposed sites are often on land of limited economic value, so that possible future limitations on use may be less of a concern; and
- stakeholder groups that are quite powerful in some Member States (foresters, hunters) are less prominent in Spain, and less involved in political lobbying and decision making processes.

3.4.2 Navarra

Navarra was one of the first regions in Spain that tried to take into account the costs of the management measures needed for the pSCIs. A study was undertaken to carry out a costs and benefit analysis for the management of a few selected pSCIs,

including Monte Alduide – see Thematic Report Two - Financing. Costs and benefits were then to be integrated into the plans, a process that has gone relatively smoothly.

Management plans in Navarra are written by the Natura 2000 team (who have local knowledge and expertise) rather than being contracted out to private firms, as in some other regions, such as Extremadura. Existing management plans for protected sites were seen by the Natura 2000 team to be inadequate. All plans are therefore being rewritten on the basis of extensive consultation with local stakeholders. In 2003 the region published a guide to the production of management plans (in both English and Spanish) – ‘Methodological Guide for the elaboration of management plans of the Natura 2000 sites in Navarra’.⁹ These guidelines state that the plans should consist of:

- ecological analysis;
- socio-economic analysis;
- objectives and measures;
- cost-benefit analysis;
- monitoring and verification programmes; and
- environmental contracts.

Navarra has also attached a lot of importance to stakeholder dialogue during the management planning process (see below).

Generally speaking Navarra is more advanced in the task of developing management plans than most other regions. In particular it stands out for its clear methodology, and for its recognition that existing management plans for protected areas fall short of the needs of Natura 2000 sites and should be rewritten.

There are nevertheless a number of problems related to implementing effective management planning including a lack of support from stakeholders and politicians. Funding is an issue, not least because the Environmental Department also only manages 15 per cent of the rural development budget and does not have responsibilities relating to the socio-economic development of the pSCI. There is a lack of coordination and consensus between different sections within the Environmental Department and between the Environmental and Agricultural Departments. Environmental training for staff in the Agricultural Department who are responsible for projects with environmental impacts is insufficient.

3.5 UK

3.5.1 The national context

In terms of securing appropriate management of sites, there have been no significant or widespread difficulties. The UK’s Biodiversity Action Plans also helped to set the scene and smooth the way for Natura 2000 habitats and species protection and management. Natura 2000 designation has sometimes also led to a change in priorities for management with a greater focus on restoration of priority habitats and species. If and when problems occur, they generally are of a local nature (ie lessons are not easily transferable), although there are two possible exceptions set out below.

⁹ Available at: <http://www.cfnavarra.es/MedioAmbiente/downloads/guiaLIC.pdf>

Firstly, until the early 1990s, UK policy made compensation payable to any landowner or occupier who made a claim for loss of profits as a consequence of being prohibited from carrying out a damaging activity. This system was subsequently found to be inappropriate and was revised in 2001, prohibiting the paying of public money unless a positive shift in management is undertaken. In general, this means that money can only be paid for measures that go beyond good land management practice. Anyone entering into a management agreement on part of a parcel of land is now required to observe a certain minimum standard of land management over their entire holding.

The second problem concerns the management of degraded raised bogs (habitat type 7120). English Nature has found it particularly difficult to convince landowners and occupiers that this habitat type was worthy of protection, and of its management requirements under the habitats Directive. This has meant that English Nature has had to purchase peat extraction rights from a large number of private holders, at a significant financial cost, and resulting in significant delays in at least three sites.

3.5.2 *New Forest*

The complicated mixture of land-uses, responsibilities, ownership and interests at the local level in the New Forest meant that planning was undertaken in piecemeal fashion. Designation as a Natura 2000 site was a significant advance for conservation management. It forced those concerned to look at the New Forest as one large management unit rather than a collection of land uses dictated only by administrative and policy boundaries.

Natura 2000 designation brought all management interests together to agree on a coherent vision for the management of the New Forest. A wide-ranging partnership of ten public bodies, NGOs, interest groups and stakeholders joined forces with the help of LIFE funding, and this partnership developed one single all-encompassing conservation plan to which all parties signed up. Arguably this was made easier by the fact that most of the land is managed by a small number of statutory bodies rather than many private landowners but still these other authorities had to be fully informed and ‘won over’ before a coherent management plan could be adopted.

Commoning

The continuation of the practice of commoning is part of the cultural heritage of the New Forest. It maintains habitat mosaics and is part of the attraction for visitors. Commoning today remains a vital part of the local economy and social life of the New Forest and it is important that a large number of small-scale commoners continue to use the Forest.

The most widely practiced common rights in recent times have been the grazing of ponies and cattle, along with some donkeys and the foraging of pigs in the pannage season. The number of animals depastured (turned-out) on the Open Forest has fluctuated between about 4,500 and 7,200 over the last 35 years and the number of practising commoners has similarly varied between 300 and 500.

Over recent decades the combination of a low market value for ponies and cattle, the high cost of grazing land off the Forest and the lack of affordable housing has placed commoning in a vulnerable position. Through organisations like the New Forest Commoners Defence Association commoners can take part in the wider discussions affecting the New Forest. Although generally supportive of recent nature conservation actions, which respect and value the benefits of commoning, there can be concern,

eg, when there are plans to restore wetlands formerly drained. Commoning has also been supported through LEADER+ funding for the Forest Friendly Farming Project which aims to revitalise the rural economy and promote New Forest products.

In the UK, landowners are responsible for the management of nature on their land. As a consequence, the management responsibilities in the New Forest pSCI are clearly distributed between the different landowners, and the public and private sector. Around 90 per cent of the land in the New Forest was formerly owned by the Crown, and the Forestry Commission (under the Department for Environment, Food, and Rural Affairs, Defra) has assumed management responsibility for this. However, much of this land also falls under the Right of Commons, and is jointly managed by commoners through the Court of Verderers, the administrative body appointed to be the 'guardian of the Right of Commons'.

Most of the past pressures on habitats in the New Forest were attributed to land management under the Forestry Commission. The main problems were, and in places continue to be: land neglect; poorly managed conifer plantations; and land drainage, for the purpose of improving timber and agricultural outputs. While some commercial forestry still continues, the Forestry Commission as well as the Court of Verderers, are now under the obligation to carry out their duties in compliance with the provisions of the habitats Directive and national legislation.

In the 1990s, the Forestry Commission was given a new policy remit that included not only commercial forestry but also public access and biodiversity. This change in policy was considered to be a major contributing factor towards the development of more conservation orientated forest management practice throughout the UK, where the Forestry Commission is the biggest single landowner. The policy contrasts with that in other Member States where there is not such a clear Ministerial mandate to consider biodiversity, often leading to conflict with conservation authorities.

On the private land in the New Forest, English Nature enters into legal land management agreements with the owners or occupiers of the land, and carries much of the cost of management. Grants are available to support specific measures such as scrub control.

Development of a Management Plan

Despite its long management history, prior to its selection as a pSCI the New Forest had never been managed as a whole, or with nature conservation as its first priority. The resulting landscape is fragmented managerially, and with regards to its habitats. The lack of integrated management, habitat neglect and decline in traditional management practices, coupled with high recreational and development demands, has thus created numerous conservation concerns for the site as a whole.

The development of a more integrated approach to site management in the New Forest was significantly spurred by the first of two LIFE-funded projects (see Report 3). Between 1997 and 2001, this project funded the re-mapping of New Forest Annex I habitats, the drafting of the site management plan, the collation of data, and practical management and restoration measures. Groups were formed on management, surveying data and monitoring. They met every three months with all LIFE project

partners to develop the plan specifications and monitoring programme. English Nature led the development of the management plan, with the Environment Agency providing advice on specialist issues such as hydrology. This collaborative approach led to common agreement on the terms of future management.

Parts I, II and III of the management plan were produced by English Nature as a baseline, providing a description of the site, a summary of the various designation types and obligations under national and international designations, and a description of the main management concerns. Part IV is made up of a series of area-specific implementation plans, each produced by the relevant landowners for work on their land holdings covering a five-year period. In the case of the Forestry Commission which is responsible for the land area, the implementation plan is divided into separate sections on pasture woodland, heathland, forest design plans for enclosure woodland¹⁰, deer management, and recreational and access management. English Nature has developed plans for its National Nature Reserve land holdings. It has also developed and agreed management statements with private landowners and occupiers to guide their land management activities where necessary.

The work was taken forward in five stages, consisting of:

1. assimilation of existing data on qualifying European Interests and new survey data;
2. evaluation of the importance of the New Forest pSCI in the European context, for each qualifying interest. Key features, quality indices for monitoring favourable status of the pSCI habitat and the potential for enhancement were identified;
3. development of formal nature conservation objectives, a condition assessment monitoring programme, and the site management statements;
4. preparation of a suite of generic management prescriptions for the restoration or maintenance of key habitats; and
5. development of action and implementation programmes by all the land-managing partners of the New Forest pSCI.

Problems mostly occurred in relation to the initial data inventory and identification of European interest features (Stage 1). All stages were completed within four years.

Site management and protection

The change in management required by the new designation did not introduce significant restrictions on the land use in the area. Because of this, there was little or the process of developing the site management plan and working towards implementation has also been reasonably conflict-free. Particularly important was the assertion that grazing under the Rights of Common was not considered a threat to the European interest features of the site.

A shift in management thinking was required at institutional level, most notably in the Forestry Commission. Prior to the transposition of the habitats Directive, forest management had predominantly been for commercial gain. In light of the habitats Directive, the Forestry Commission had to adapt to new conservation responsibilities.

¹⁰ Spelling by custom.

This shift was brought about by a learning process at local level, and also political rethinking at the executive and government level. Also important was a coinciding change in personnel at the local level.

Arguably the most important management measure in the New Forest concerns the continuation or reinstatement of traditional land management in the face of poor economic returns on the exercising of the Right of Commons. In principle, the commoning system is an efficient method of land management, at least in terms of providing conservation benefits. However, to stay viable, commoners now rely on a series of agricultural and land-management support schemes.

Unlike private or public landowners, commoners do not own the land they manage, but merely have the right to take certain resources eg through grazing livestock. They have no legal responsibility for managing the land appropriately in terms of the habitat Directive. For the same reason English Nature cannot enter into management agreements with the commoners or verderers of the New Forest. This is not considered a problem, however, as their activities are thought to be a positive influence. The Court of Verderers, on the other hand, is a statutory body, which by law is bound to exercising its functions in compliance with the habitats Directive.

3.6 Lessons for the Czech Republic

Despite a difficult start, France is now well advanced in management planning, with the introduction of DOCOB at all sites. The DOCOB process involves extensive community and local consultation, and should make implementation of management measures easier in the long term. Conclusion of management contracts for French sites is ongoing, but seems to be proceeding without undue delays.

Management planning is also continuing in Spain without difficulty, but in a very non-consultative fashion in most areas. It is too soon to say whether this will cause problems with implementation, but this seems likely particularly where sites are complex and protection may restrict agricultural or other economic activities. Spanish authorities discussed the mistrust of government by locals, and this approach is unlikely to improve that relationship.

In the UK, management planning has not been overly problematic, with many sites already managed under local protection schemes. Two points of interest to note from the English experience were that appropriate management of land types perceived as low value (eg peat bog) was especially difficult to achieve; and payment of compensation to landowners who were blocked from carrying out damaging activities was not seen to be constructive.

All Member States in the study emphasised the important link between socio-economic factors and ecology in site management. Early involvement of local communities and also of other State Departments is recommended to facilitate development of management contracts.

4 Involvement of stakeholders in the Natura 2000 process

4.1 Overview of progress

The Natura 2000 process has frequently generated public and administrative concerns, and sometimes outright opposition. Problems were to some extent due to poor communication of the meaning of Natura 2000 designation and of its financial and legal implications for landowners and users.

It is not clear whether public consultation prior to submission of the national list of proposed sites facilitated the selection process. In the case of Spain very little prior consultation was done before submitting the list and although this may cause problems later on in terms of management this lack of consultation did not prove to be a major obstacle to site selection. By contrast, in France the lack of public consultation over the sites proposed created a major backlash, leading to a 'freeze' on the implementation of the habitats Directive.

In the UK, public consultation was undertaken prior to submission of the list. This has been normal practice for nationally protected sites and although it slowed down the site selection process, the process did go relatively smoothly. In Germany, public consultation was also undertaken but this was not an easy process and created a lot of resistance. Part of this is probably due to the fact that there was no information on what Natura 2000 meant for those concerned. Also, because national site protection laws are sometimes stricter than Natura 2000 designation, the selection process was somewhat sidetracked by issues to do with national legislation.

4.2 France

France initially faced enormous resistance to site designation, in particular from landowners and local communities. The main problem arose from the lack of information on the Natura 2000 network. This led to a misunderstanding of the project, and incorrect information was circulated. Local groups, especially hunters, were strongly opposed to Natura 2000. They thought that it would prevent them from hunting, and landowners feared that they would be dispossessed of their land.

At the very start of the Natura 2000 process, a lobby group called '*le groupe des neuf*' was firmly opposed to Natura 2000. This group was made up of farmers, hunters and foresters. Due to pressure from this and other groups, the Prime Minister decided to freeze the application of the habitats Directive in July 1996, because of a lack of clarity from the European Commission, particularly regarding the definition of 'disturbance' to land.

The process of implementing Natura 2000 was relaunched in August 1997, and in the spring of 2001 France was able to send the Commission a list of 1,109 sites (both marine and terrestrial). At the same time, however, the French Council of State (the country's highest judicial authority) cancelled consultations over 531 of these sites so the process had to be restarted. France still needs to propose more sites in order to fully comply with the habitats Directive.

The current Natura 2000 process in France involves wide-ranging local consultations. The *département* Prefect opens consultations around site boundaries with the municipalities and Public Bodies for Inter-municipal Cooperation (ECPI) concerned. These bodies have to reach a decision within two months. Only scientific factors may be taken into account.

Besides convening these consultations, the Prefects are responsible for ensuring the active participation of elected politicians, landowners, farmers, foresters, hunters, practitioners of open-air sports, representatives from other social and economic areas, and nature protection groups. Sites that include military zones have to be designated jointly by the Ministers for Defence and the Environment.

4.3 *Germany*

The Natura 2000 site selection process has often generated confusion, uncertainty and even misconception about what it meant in practical terms, among stakeholders (and even among conservation agents). This led to considerable opposition and aggressive campaigns against Natura 2000 and conservation in Germany. High-profile cases where Article 6 led to projects for economic and infrastructure development being challenged, blocked or abandoned, further helped to create a negative climate in the wider socio-economic sphere.

The selection of the Rhön, or parts thereof, as a pSCI was notified in official journals and on public notice boards. Public consultation was carried out in the form of public hearings and some site visits. Twenty-nine environmental NGOs and a number of regional farmers' organisations were directly approached. In general, meetings were used to explain that Hessen was under the legal obligation to transpose and implement the habitats Directive, and was not just 'prioritising nature over jobs'.

Other than the delays in finding political commitment and settling an agreement with the Federal Ministries of Defence and Finance, there were no significant problems in finding consensus amongst private stakeholders. Continued engagement, face-to-face discussions and a local face to challenge their management practice and help work towards suitable solutions for nature and farming were key in keeping stakeholders on board in the long term.

The agreement of other state authorities was more difficult to get. Part of this may be due to the fact that funds were dedicated to active stakeholder dialogue and participation through the LIFE project, but funds were not available for communication with other state authorities.

Through the LIFE project, private landowners and particularly farmers, became increasingly aware of the local identity being created by the conservation value of the area and the new economic opportunities that this could bring. Their support grew significantly as a result, with nature conservation being seen as an opportunity rather than a hindrance.

4.4 Spain¹¹

The Natura 2000 team saw it as an opportunity to ‘construct a shared vision’, ‘talk about expectations, frustrations, problems and share ideas’, and ‘to defy a history of marginalisation’. The starting point was, however, discouraging. There was little political interest or administrative experience. Society was unmotivated and demobilised, with a lack of participatory culture. Information was slanted, false and prejudiced and there was unequal access to information, resulting in one-sided participation.

The first challenge was to ‘construct a participative stage and an atmosphere of confidence’. To do this, the team used the following tools to involve stakeholders in site selection, designation and management:

- production of public information regarding the site proposals eg a booklet, website;
- roadshows, seminars, workshops and meetings were organised for a variety of audiences (local councils, agricultural groups, individual farmers, etc) and in all districts to discuss proposals for sites and related management plans; and
- proposal for environmental contracts with landowners in order to achieve site objectives.

Within the government, there was a lack of political support for and experience of participation, partly due to concerns over costs. At the local community level, there was limited interest in Conservation Plans and skepticism with respect to the effect of Natura 2000 on socio-economic development. There is also little confidence in the Environmental Department and its participative processes. Some of this was due to previous problems not connected to Natura 2000.

It was difficult to establish communication links with farmers due to differences in local authorities, language, customs etc. Local Authorities themselves tended to be focused on improving the profitability of local businesses and were doing things such as applying for forestry grants with objectives opposed to those in the draft Management Plan eg reforestation, ploughing pastures with high wildlife value and creation of forest tracks.

A lack of public coordination led to contradictory behaviour and messages. Many problems were caused by misunderstandings, and these were not helped by the lack of planned participation and lack of definition of the rules and limits of participatory processes and decision-making.

4.5 UK

The UK Government has always been committed to full public consultation on SAC proposals, and in particular to discussions with site owners and/or occupiers and other interested parties. Moreover, because most UK SACs and SPAs are underpinned by SSSI designation, most site proposals had already undergone an extended consultation

¹¹ Source: Power point presentation from Santiago Garcia – ‘*Comunicación y procesos de participación en Natura 2000*’, available on cd in Spanish

process to meet national obligations. Indeed, the selection of a site as SAC was often an opportunity to adjust the boundaries of the SSSI and this process had to be completed before pSCI designation.

Landowners and occupiers have three months in which to submit views on a notified SSSI. Where there are objections, English Nature may seek to resolve them, but must decide within nine months of the notification whether to confirm the site, with or without modifications. All pSCIs and SPAs should be confirmed as SSSIs before they are submitted to the European Commission. In a small number of sites (but probably no more than 5 per cent), this consultation process may have led to delays in European notification. However, consultation at an early stage is believed to be a good investment, leading to long-term conservation benefits, as it facilitates site protection and the implementation of positive management measures.

The commoning system of the New Forest is relatively special to this site, as is the large expanse of state owned land. Most terrestrial sites in the UK are characterised by more conventional agricultural use and private land ownership. Overall, the land-use interest that has caused most conflict in terms of winning stakeholder support in the UK has been farming, although no major delays are thought to have occurred in the UK as a result. Peat extraction rights have also been fiercely defended, though conflicts are generally local.

All relevant stakeholders, including all landowners and occupiers in the New Forest pSCI, were first notified of the site's selection, and subsequently consulted on an integrated management strategy. The experience of involving landowners and occupiers in discussions on management has generally been positive.

Considerable public scrutiny at times resulted in protracted consultations, delaying the implementation of work programmes. Site meetings were carried out, as well as continuous consultations on the detailed location and nature of all conservation works. The local Community expressed concerns in relation to, for example, the removal of conifer enclosures, which were considered important for recreation and for screening roads and development. The management of public access rights was also contested.

A Communications working group was set up as part of the New Forest's LIFE II project. It consisted of representatives from all project partners, and was chaired by the New Forest Committee. The group met every three months for the project duration and co-ordinated all communication and media activities. A Communications Strategy was produced in February 1998. All project outputs were branded with a common project logo, and a project web site was set up.

An important lesson learnt relates to the amount of time required for full public consultation. Despite the fact that many of the New Forest's non-statutory stakeholders are used to attending management and stakeholder fora, and engage routinely in management decisions as part of the commoners' shared (or communal) system of management responsibility and decision-making, consultation has required significant investment. New ways of thinking have needed to be established through capacity and awareness building. The success of stakeholder consultation in the New Forest has depended on continuous involvement on equal terms. Providing adequate

time and space, and a sufficiently visionary approach, as well as establishing a general level of trust are essential for the long-term success of a consultative approach.

4.6 Lessons for the Czech Republic

Members of the public and other State authorities have the ability to either help or hinder the Natura 2000 implementation process. It is vital to have good, accurate information available for distribution. Failure to do this risks having inaccurate information distributed as in France, and dispelling myths generated in this fashion may be difficult.

If there is no public participation culture (as in Spain) a long timeframe should be allowed to build relationships and trust. The example of the New Forest shows that in areas with a long history of management, it can be possible to find solutions that are favourable for all parties concerned.

As noted in section 2.6 above, it is important that the objectives of stakeholder participation are made clearly from the start. The main stakeholder issues that arose in relation to site selection related to:

- a) a lack of understanding of Natura 2000 and its implications, something that demanded clear communication of the Natura 2000 concept and its potential implications; and
- b) a failure to clarify that discussions over the Natura 2000 site lists were not consultations or should not have been consultations about the list itself. In practice, Member States organised consultation processes with land-owners and users, presenting these meetings as opportunities to comment on and request modifications to site lists. The result was that these exercises aggravated the situation as stakeholders felt betrayed as it became clear that ‘consultations’ were actually just communication exercises.

Interestingly, some of the main obstacles to site designation in the Member States examined came not from stakeholder groups but from other government departments such as forestry, agriculture, defence, etc. The lack of early dialogue with non-‘environmental’ government authorities on Natura 2000 led to strong resistance, and feeling that they were ‘losing control’ over management of their land. In some countries, such as the UK, this was addressed through high-level policy commitments to biodiversity, making nature conservation part of the mandate of these other authorities. High level government policy changes should certainly be considered if resistance to Natura 2000 from other State authorities is considered likely.