



**Protecting nature in the Netherlands:  
full steam ahead!**



The year 2016 is an important year for Dutch nature policy. There are now opportunities to give a positive impetus to the implementation of our policies on nature. The evaluation of the Birds and Habitats Directives (Fitness Check), as well as the mid-term review of the EU Biodiversity Strategy are the two key drivers for this. Furthermore, on 1 January 2017 the new national Nature Conservation Act will come into effect.

An effective and well implemented policy on nature is urgently needed. A policy that guarantees good protection of nature and landscapes and that anticipates opportunities and threats to species and ecosystems is in fact an important prerequisite for nature conservation and restoration. The Netherlands could become an example to the rest of Europe, with flourishing nature, a healthy industry and a population of 17 million people who live and work to their satisfaction and enjoy nature.







## Protecting nature: key treaties, directives, legislation

### Worldwide

Important global treaties for the conservation of our biodiversity are: the 1992 Convention on Biological Diversity (CBD), the 1971 Ramsar Convention on Wetlands and the 1979 Bonn Convention on Migratory Species.

### Europe

The EU Biodiversity Strategy 2020 (2011), which is derived from the Strategic Plan under the Convention of Biological Diversity, strives to halt the loss of biodiversity by 2020. The strategy has six targets:

1. Full implementation of key EU nature legislation: the Birds and Habitats Directives
2. Better maintenance and restoration of ecosystems and of green infrastructure
3. More sustainable agriculture and forestry
4. Make fishing more sustainable and seas healthier
5. Tighter controls against invasive alien species
6. A greater EU contribution to stop global biodiversity loss.

The Birds Directive (1979) and the Habitats Directive (1992) protect vulnerable species and habitats in Europe. These directives serve to implement the pan-European Bern Convention (1979). The EU Natura 2000 network of protected areas was developed on the basis of these Directives. Furthermore, these EU Directives address the protection of species in and outside this network.

The Common Agricultural Policy (CAP) aims to make prices of agricultural products stable and cost-effective, provide farmers financial support and to develop rural areas. It consists of two pillars: market orientation, and rural development. With the so-called greening of CAP in 2015 30% of the payments is to be devoted to social and environmental causes such as biodiversity conservation.

The Nitrates Directive (1991) aims to protect water quality by preventing nitrates from agriculture contaminating ground and surface water.



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The Water Framework Directive (2000) aims to ensure that the quality of surface and groundwater in Europe is in order by 2015, and at the latest in 2027.

The Marine Strategy Framework Directive (2008) aims to achieve Good Environmental Status (GES) of the EU's marine waters by 2020.

The Common Fisheries Policy (CFP), which was most recently revised in 2014, aims to ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.

The Seventh Environment Action Programme entitled "Living well within the limits of our planet," provides general guidance for environmental policy in the EU for the period 2012-2020.

## Nederland

The Netherlands nature network (hereafter, the National Ecological Network, 1990) is made up of existing and planned protected areas, including all Natura 2000 sites designated by the Netherlands. It forms, together with the active and passive protection of species in and outside these natural areas, the backbone of the Netherlands policy on nature and biodiversity.

The new Nature Conservation Act (1 January 2017) will replace the existing national nature conservation legislation (Nature Conservation Act 1998, the Flora and Fauna Act and the Forestry Act).

The Nitrates programme of action is the Dutch translation of the EU Nitrates Directive.

The Programmatic Approach to Nitrogen aims to provide space for economic development, to improve nature and to reduce the harmful effects of nitrogen.





## The balance has been made

From outer space one can clearly see that the Netherlands is one large delta where major European rivers such as the Rhine, Meuse and Scheldt, flow into the sea. The Netherlands is a transition zone of fresh and salt water, wet and dry, low and high. There's a diversity of landscapes associated with sea, coastal areas, dunes, polders, marshes, meadows, moors, fens, woodlands, heather, and stream valleys.

The significance of our nature reaches far beyond our borders. Migratory fish swim from the North Sea and the Atlantic Ocean via our delta and rivers toward spawning grounds in Belgium, France, Germany and Switzerland. Millions of migratory birds are attracted to Dutch dunes, marshes, rivers and coastal areas to forage, hibernate or to breed. The North Sea, the Wadden Sea, the Delta and the coastal areas are the breeding grounds for millions of fish, crabs and other aquatic life.

Thanks to the EU nature legislation plants and animals that many people had already written-off are slowly returning. The otter, after nearly 40 years, has returned to the Nieuwkoopse plassen and the crane breeds again not only in the Fochteloërveen, but also in several other areas, including the Korenburgerveen and Engbertsdijksveen. The white-tailed eagle has been living in the Oostvaardersplassen for 10 years and now also breeds in Zwarte Meer, Lauwersmeer and Biesbosch. The beaver has found its way across the entire country and last year for the first time, we briefly saw the wolf.

But we are not there yet. The remaining biodiversity is one of the lowest in Europe.<sup>1</sup> Only 14 percent of the Netherlands (including the North Sea, Wadden Sea and rivers) has been designated as protected areas, whereas 70 percent of the landsurface has an agricultural use. Dutch agriculture is large scale and mostly intensive and a major cause for the loss of nature. The Living Planet Index for the Netherlands<sup>2</sup> (2015) shows a slight recovery of animal populations since 1990, particularly in fresh water, whereas populations are sharply declining in open natural areas (moorland, dunes and very extensively managed grassland) and farmland areas, by 50 percent and 40 percent respectively.

The EU's goal to halt the loss of biodiversity by 2020 seems unattainable and the contribution of the Netherlands too small. The mid-term review of the EU Biodiversity Strategy 2020 demonstrates that limited progress has been made on the agreed protection of nature areas and biodiversity in Europe.<sup>3</sup> Only with regard to the protection against invasive alien species has significant progress been made. Compared to the reference year 2010, we have in general still lost biodiversity and ecosystem services have declined. Although agriculture is one of the main causes of biodiversity loss, the midterm review shows no progress in relation to the objective for more sustainable agriculture and forestry. The report also confirms that the existing EU nature legislation (Birds and Habitats Directives) is indeed effective, but that it is seriously lacking in implementation and enforcement.

# Action Plan for Nature in the Netherlands

The conclusions of the interim evaluation of the Biodiversity Strategy and the current Fitness Check of the Birds and Habitats Directives show that more effort is needed. The instruments are there, it comes down to better implementation and strengthening nature conservation in other sectors. What is the Netherlands going to do and how can our country, as a densely populated delta, be an inspiration for other EU countries?

Facing these challenges we present our Action Plan for Nature in the Netherlands. Most important components are:

- ✓ Improve the implementation of nature conservation policy and legislation
- ✓ Anchor the protection of nature in other policies
- ✓ Create and seize opportunities for biodiversity



## Improve the implementation of nature conservation policy and legislation

### Adopt management plans and implement them

Designated Natura 2000 sites, both on land and at sea, are still largely lacking management plans that will ensure nature conservation and the restoration of biodiversity. Effective conservation and restoration measures still need to be adopted. The decline of nature will continue and the risk increases that conservation objectives become restoration objectives. There is an urgent need to adopt and implement the management plans. This will also provide clarity for other users, such as agriculture and fisheries.

Let the ecological requirements for the species and habitats of the Natura 2000 areas be the primary goals. It is practice, in the Netherlands, that management plans tend to focus on specific habitats within the designated

Natura 2000 areas. The remainder of the Natura 2000 site - that contributes on a landscape scale to the quality of the area and the conservation of the target species and habitats - tends to be neglected. Not paying attention to these interrelated issues limits the effectiveness of the protection and management of the sites. Always take into account it is about connected, vulnerable ecosystems that deserve protection as a whole. They have been designated as Natura 2000 sites for a reason!

Include a clear time frame in the management plan in which results are to be achieved and targets met, including additional measures that will be implemented should any results not be achieved because of delays. Apply the actual costs to be incurred in financing the management plans.





### Get started on the protection of species

Use the opportunities offered by the new Nature Conservation Act for active protection of species for which the Netherlands has international responsibility. Put the focus on areas where the return is highest. Designate Natura 2000 sites for meadow birds such as godwits and oystercatchers and fund it through the second pillar (rural development) of the EU Common Agricultural Policy (CAP).

### Complete the National Ecological Network



The Dutch National Ecological Network (NEN) is a network of protected areas at sea and on land. It comprises all Natura 2000 sites, but also all major water areas and some farmland under agri-environment schemes. The surface area of the Natura 2000 network has been limited, because the National Ecological Network was taken into account as a protective cloak around and connection between Natura 2000 sites. This national network would be achieved

in time (2018), but implementation is already behind schedule. We lack a coherent network of protected areas at sea, important for the recovery of vulnerable marine habitats. The rapid completion of the Dutch National Ecological Network is absolutely necessary to achieve the objectives of the Birds and Habitats Directives. Make a binding plan of action to achieve this.

### Establish Green Infrastructure

Green infrastructure that links areas with each other is an important means to restore ecosystems. The Habitats Directive provides Member States with opportunities to

protect connections and *stepping stones* to strengthen the Natura 2000 network. This is predominantly about maintaining landscape features. Apply to this end the existing land use-planning opportunities, and make more use, than has been made so far, of the resources offered by the CAP. Think of the 'Ecological Focus Area' in the greening of the first pillar of the CAP (market orientation) and the second pillar (rural development) which provides for 'preserving and enhancing ecosystems'. Manage and protect these connections so that the network does indeed function as a network.

### Improve access to knowledge

Provide understandable versions of government documents on EU policies, permits, exemptions, codes of conduct, etc. Publish practical guidelines that provide insight into how the rules should be applied in practice.

Good monitoring and public access to relevant knowledge (ecological knowledge and understanding of the nature conservation rules) are essential have the opportunity to make adjustments if necessary. Fill knowledge gaps as quickly as possible.

### Supervise and enforce

In the Netherlands the Birds and Habitats Directives are well anchored in national legislation, but the results for nature are sometimes still disappointing. This is partly due to the lack of enforcement of these laws. Therefore it is important that an offender not only pays a fine, but is obliged to return the affected nature to its original state. Improve monitoring and enforcement. Enforcers for whom the nature legislation is new could be involved more in this, such as general police officers and enforcement agents of water boards.







## Anchor the protection of nature in other policies

External developments can stand in the way of achieving nature objectives. Think of intensification of agriculture after the removal of milk quotas, projects for water safety and drinking water supplies, construction of infrastructure, and the arrival of invasive species. Nature protection must therefore be integrated into other policy areas.

### Agriculture

Recent EU reports such as The State of Nature report (2015)<sup>4</sup> and the mid-term review of the Biodiversity Strategy show that intensification of agriculture is the greatest threat to our biodiversity, both in the rural areas themselves and in the surrounding protected areas. Farmland species are under pressure. Nature in open areas is suffering from farming activities, especially due to nitrogen deposits. The current policy instruments that are intended to tackle threats such as acidification, fragmentation, eutrophication, depletion and loss of habitat, are not sufficient to reverse the trend.

Promote a comprehensive policy for sustainable agriculture: a policy with a view to protect and restore habitats for farmland birds, reduce the use of pesticides and eventually make the transition to environmentally sustainable agriculture.

The CAP has an important role to play. The current greening of the first pillar (market orientation) through in-

come support hardly contributes to achieving biodiversity targets. Therefore, transfer the maximum amount possible to the second pillar (rural development) and use it for meaningful measures for nature. Other measures or obligations of the CAP should not lead to loss of biodiversity.

Create buffer zones around Natura 2000 sites and use as a baseline that agriculture in those areas is not harmful to nature. More desirable is that agriculture in those areas make a positive contribution to the preconditions for nature. That means for example not draining the water from the area, but retaining it to favor nature.

The Netherlands is using an exemption under the Nitrates Directive, but it has even exceeded the extra allowance. This is an additional burden on nature, because ground- and drinking water are both further contaminated. Seize the opportunity of the 6th Nitrates Action Programme for the period 2018-2021 to ensure that the interests of nature are effectively taken into account. Not in the least because the 7th EU Environmental Action Programme has the objective that by 2020 the nutrient cycle (nitrogen and phosphorus) is managed in a more sustainable and resource-efficient manner.

Make sure that the desired improvements in nature conservation are effectively and timely implemented in the Programmatic Approach to Nitrogen.





BUITEN-BEELD / MARCEL BRUIN

The goal should be to ensure on the short term a good future for the species and habitats involved. Stagnation is not an option.

Introduce a code of conduct for agriculture, so that farmers know what must be kept in mind in their daily work. A lot of damage results from ignorance. This would be useful for enforcement agencies as well. It is inexplicable that there is no code of conduct for agriculture, being the largest land user, while there is one for e.g., forest owners and water boards.

Make clear what the impact of agriculture is on nature and what the costs are; include this information in decisions about agriculture.

## Water

The Living Planet Index shows that populations of species in freshwater and wetlands have increased since 1990, but that the increase has come to a halt in the last decade. The improvement of water quality is stagnating.<sup>5</sup> The target year for the Water Framework Directive (WFD) was originally 2015, but has been postponed to 2027. With current efforts, the goals will not be met.<sup>6</sup> Nature has gotten a bad deal in water management, which is predominantly focused on ensuring safety and drinking water supplies. The

Netherlands has maximized the use of the exemption clauses in the Water Framework Directive and is anticipating the downscaling of the objectives.

It is important that ministries and local authorities jointly take back the responsibility for

nature. Let ecological goals be fully accounted for in water management. Nature can piggyback on interventions for flood protection and freshwater supplies if it is better integrated into these policy areas.

Create more habitat variation with a gradual transition from fresh to salt water and from land to water; this applies in particular to the major water areas.

Test the design and management of water infrastructure by its impact on nature and weigh the full review in decision making. 'No loss of nature' must be the starting point and where damage does occur, this should be compensated.

## Infrastructure and industrial development

In the densely populated Netherlands new infrastructure or industrial projects encounter protected species that 'get in the way'. On the other hand such plans or projects are by definition at the expense of nature. How can nature and economic development be mutually supportive? The solution is robust nature. If nature can take the proverbial beating, it also creates space for other land use. The EU Commission has for example indicated that economic developments around the IJmeer / Markermeer are possible if investments are made from the start to sustain the quality of nature in these areas.



VILDA / YVES ADAMS

Create room in spatial planning for functions that reinforce each other and discourage functions which detract from each other. Take account of all interests at an early stage. This integration includes the responsibilities from all applicable policy areas, including finance. The Marker Wadden project for example - the construction

of natural islands in the Markermeer – is intended for nature restoration, recreation and sports and was funded by two ministries, a province and private parties.

## Invasive alien species

Invasive alien species cause major problems for the Natura 2000 sites and species, but also affect nature outside these areas, e.g. in ditches and rivers. Link the policy on invasive alien species to Natura 2000 by including it in a specific paragraph in the management plan.

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## Create and seize opportunities for more biodiversity

There is still room for great improvements in biodiversity outside protected areas. In the Netherlands you will find that the agricultural areas are the largest habitats for animals and plants. For the lapwing, for example, it is the habitat for more than 70 percent of the population. Farmland therefore merits attention. When species decline in their habitat, it is important to investigate and resolve the bottlenecks. The reduced use of fertilizers, herbicides and pesticides will be beneficial for insects such as butterflies, which in their turn will have positive effects on insect-eating birds and mammals.

Flood protection can be undertaken with nature restoration, as demonstrated by the already completed Natural Climate Buffers<sup>7</sup>. The Groninger Onlanden are a striking example. The restoration of degraded ecosystems also provide opportunities for biodiversity. The Marker Wadden project should lead to the restoration of waterfowl populations for which the site has been designated under the Birds Directive. The project will also boost fish stocks and other freshwater life and add swamp habitat, allowing other types of biodiversity to develop. This will also boost other sectors such as recreation and the catering industry.



BUTENBEELD/ RONALD MESSEMAKER

There are many opportunities in urban areas that profit biodiversity: green roofs and facades, non-paved surfaces, green business parks, nature-friendly garden design, nesting in new or refurbished

buildings. A green city is attractive, has clean air, cools off after a summer's day, can retain water from extreme rainfall and can diffuse and dampen noise.

Initiatives such as the project Stroomversnelling,<sup>8</sup> which aims to create a win-win situation by combining energy-saving measures through large-scale insulation of homes with active nature conservation measures, could be a good step towards sustainable building. A quality mark for energy efficiency (NOM-mark)<sup>9</sup> should only be granted after the conservation measures have been implemented. And following the idea of archaeological supervision for the preservation of monuments, an ecological expert should be involved in the activities throughout the project.



# Successes on display

Our proposal complements the initiatives which farmers, businesses, citizens and environmental organizations are already carrying out together. We are convinced that nature can flourish thanks to these initiatives and that our society can continue to enjoy it. If we want to be an example for other countries, we must share our successes. All EU Member States have concluded that both Member States and the European Commission have to share the benefits of the Natura 2000 network with the public. During the Fitness Check of the Birds and Habitats Directives a wealth of information has become available about the benefits of nature in general and Natura 2000 in particular.

- ✓ Invest in clear communication to all stakeholders, including the general public. Emphasize the importance of Natura 2000.
- ✓ Create an overview of the ecosystem services provided by Natura 2000 areas in their management plans so that the value of nature is clear to everyone.
- ✓ Display national pride in our natural heritage.

## Endnotes

- 1 <http://themasites.pbl.nl/balansvandeleeftomgeving/2012/landelijk-gebied/natuurbeleid/biodiversiteit-en-oorzaken-van-verlies-in-europa>
- 2 Wereld Natuur Fonds. 2015. Living Planet Report. Natuur in Nederland. WNF, Zeist.
- 3 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DCo478>
- 4 <http://www.eea.europa.eu/publications/state-of-nature-in-the-eu>
- 5 PBL. 2012 b. Quality for later 2. Evaluation of the policy on water quality. PBL-publication number: 500208001. PBL Netherlands Environmental Assessment Agency, The Hague.
- 6 PBL. 2015. Water Quality now and in the future. Interim report ex ante evaluation of the Netherlands plans for the Water Directive. PBL-publication number: 1765. PBL Netherlands Environmental Assessment Agency, The Hague.
- 7 [www.klimaatbuffers.nl](http://www.klimaatbuffers.nl)
- 8 [www.stroomversnelling.net](http://www.stroomversnelling.net)
- 9 NOM means 'zero on the power meter' of individual households.

## Photo cover

Buiten-Beeld / Wendy Kreeftenberg

## Lay-out

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