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THE HABITATS DIRECTIVE: NATURA 2000

WORKING WITH LANDOWNERS: A GUIDE

SUMMARY

1. **This paper suggests how Member States should work with landowners to implement the Habitats Directive. It stresses the need for:**
 - (a) **a voluntary approach:** owners should be asked to support nature conservation voluntarily, not told that they have no choice;
 - (b) **extensive consultation:** owners should be given a clear idea of the implications of any proposals affecting their land, and the opportunity to comment on them, and to discuss any concerns, with conservation agencies;
 - (c) **adequate resources:** funds must be provided to ensure that the management of Natura 2000 sites can be secured through voluntary management agreements with owners and occupiers - so that public benefits are secured at public cost and not at a cost to private owners.

THE VOLUNTARY APPROACH

2. The implementation of the Habitats Directive should be based on securing the voluntary co-operation of the owners of proposed Natura 2000 sites (Special Areas of Conservation and Special Protection Areas). For example, national laws to implement the Directive should not provide any new power for conservation agencies to require owners to manage land in specific ways at their own expense. The duty to secure the favourable conservation status of the species and habitats listed in the Directive lies on the Member State, not on the owner. If the Member State wants to change the way in which land is managed, it should do so only by negotiating a voluntary management agreement with the owner for that purpose.
3. In particular, Member States should establish a Code of Conduct for the nature conservation agencies to help them gain the voluntary support of landowners for their work on the Directive. The Code should apply to anyone employed by a nature conservation agency or working for any organisation which receives financial support from that agency. The Code should include the following points:

Anyone working for, or on behalf of, the nature conservation agency will:

- (a) **respect the rights and privacy of landowners and occupiers;**

- (b) contact local farming, forestry and landowning groups before undertaking any survey work or other work in connection with Natura 2000, to explain what will be involved;**
 - (c) ask permission to go onto land, well in advance, from the landowner, occupier and anyone else holding rights (e.g. shooting or hunting rights) over the land;**
 - (d) never trespass on to land to which access has not been agreed in advance with the owner and occupier;**
 - (e) explain why access to land is needed, what work is to be carried out (e.g. survey work), how long it will take, and how the information gained is to be used (e.g. in deciding whether or not to recommend that a site will be designated, or in preparing management proposals);**
 - (f) carry identity cards at all times, be on time for appointments, and keep a note on file of appointments made or arrangements agreed;**
 - (g) confirm in writing what was agreed at any meeting, and the name of the contact person;**
 - (h) once work has been completed, write to the owner and occupier and anyone else with rights over the land to say that the work has been completed, and to thank them for their help;**
 - (i) speak with the owner and occupier about the results of the work and discuss any concerns to avoid any possible misunderstandings later;**
 - (j) offer to send the owner and occupier a copy of any written report of the visit, and follow up promptly any queries which could not be dealt with during the visit;**
 - (k) before proposing formally to designate any site, seek a meeting with the owner and occupier, at the site, to discuss the proposal and its implications informally;**
 - (l) in designating any site, always explain clearly in writing why the site has been selected and how it satisfies the criteria for designation;**
 - (m) always justify the chosen location of the site boundary and be willing to consider alternative boundaries, where these are suggested by the owner;**
 - (n) explain the implications of designation for the future use of the land (e.g. the implications for built development) and for the future management of the land (e.g. for use by livestock, or cropping);**
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- (o) explain what financial assistance may be available from the nature conservation agency or any other body, public or private, to help with the costs of managing the site;**
 - (p) after designation, maintain regular contact with the owner and occupier and ensure that any concerns are discussed.**

CONSULTATION

4. Voluntary support for the designation of Natura 2000 sites will be much easier to secure where the nature conservation agencies consult owners over the proposals - including organisations representing owners in general as well as the owners of potential Natura 2000 sites. The Directive does not require consultation, but it is essential if voluntary support is to be secured. That is why the need for consultation is stressed in the Code of Conduct above. Consultation has been used to very good effect in some Member States.
5. In particular, it is important that consultation takes place over: draft national legislation to implement the Habitats Directive; and proposals for specific sites to be designated as Natura 2000 sites under the Directive, before they are submitted to the EU Commission for consideration. The consultations over individual sites should be used to identify any problems and to seek to resolve any concerns expressed by landowners, before the sites are notified to Brussels. Owners should also be notified when the EU Commission and the Member State have agreed which sites are to be designated as Natura 2000 sites.

RESOURCES

6. It is very important the Commission enables and/or encourages Member States to make maximum use of the resources available within the Community, and from national budgets, to help owners manage Natura 2000 sites to benefit the species and habitats which the sites support. Possible sources of funds at EU level include:
 - (a) the EU LIFE Regulation for major projects to maintain or restore habitats;
 - (b) agri-environment schemes funded through the Common Agricultural Policy under the Agri-environment Regulation EEC/2078/92;
 - (c) the structural funds (e.g. in areas designated under Objective 5b);
 - (d) national sources.

ELO Policy Group
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