NATURA 2000 -
The influence of the European directives on the development of nature-based sport and outdoor recreation in mountain areas

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Abstract

In all member countries of the European Community, the influence of European directives is increasing. This is especially the case with directives on the conservation of natural habitats and wild fauna and flora (European Council Directive 92/43 EEC from 1992 (Council of the European Union 1992) and the directive on the conservation of wild birds (European Council directive 79/409 EEC from 1979 (Council of the European Union 1979). These directives are expected to influence the future development of nature-based sport and outdoor recreation significantly. Many German sport organisations are expecting negative consequences for the future development of nature-based sport in mountain areas. This paper summarises key findings of a study commissioned by the German Sport Association.

This project develops guidelines for the application and interpretation of these directives, as well as for their practicable use and management. The study shows that the potential negative effects of nature-based sport and outdoor recreation activities can be categorised into three general types. Furthermore, large sport events should be evaluated separately in the future. Finally, the crucial role of management plans is discussed, which are essential if NATURA 2000 areas are to be established successfully. The management plan assists in the selection of suitable measures, helps to resolve conflicts, and increases the level of acceptance and its transparency for the public. This paper will demonstrate that the consultation and participation of local people including members of sport and recreational organisations is essential to achieve the best result in the interest of nature conservation in general and conservation of endangered habitats or species specifically.

Key words: NATURA 2000, outdoor recreation, nature-based sport, deterioration management plan, mountain areas.

Introduction

In all countries of the European Community the influence of European directives is continually increasing. These directives need to be integrated with the respective national laws, regulations and administrative provisions. This paper will focus on:


The purpose of these two directives is to establish a coherent network of protected areas across all of Europe called “NATURA 2000”. Even though the European Commission is still in the process of specifying the NATURA 2000 sites in the member states, the regulations of the directives need to be considered already.

These directives are expected to influence the future development of nature-based sport and outdoor recreation in several ways. Especially the alpine area, but also other areas with sensitive habitats, are frequently attractive for both sport and touristic activities as well as for nature conservation. Consequently, conflicts are increasing.
For example, the nature park planning document for the “Nature Park Southern Black Forest” (Figure 1) shows the strong overlap between areas suitable for winter sport, and those that are most valuable for nature conservation purposes.

A telephone interview of representatives of different sport organisations in Germany revealed that most associations have had negative experiences with these directives. They are all expecting further restrictions on and regulations for the nature-based sport or outdoor recreation with the designation of Natura 2000 areas.

Therefore the German Sport Association, together with the German Ministry for Environment, commissioned a special study, entitled “Natura 2000 and Sport”. The study focused on the potential consequences of Natura 2000 on nature-based sport and outdoor recreation, and made practical recommendations (Deutscher Sportbund 2001). Below, we summarise some of the main findings by focusing on the most crucial aspects of Natura 2000:

• the concept of habitats and species protection;
• the concept of deterioration;
• the Fauna-Flora-Habitat (FFH) assessment process; and
• the role of the management plan.

The concepts of habitats and species protection of EU-interest

Most of the general public, and even a surprising number of representatives of sports organisations are generally unaware of the fact that the concept of protection under the directives differs fundamentally from its traditional interpretation which is commonly associated with established protected areas. In a traditional nature conservation area, the decree is regulating all activities which are forbidden, and those restrictions are binding within the entire protected area. Under these regulations it does not matter whether sensitive species or habitats are present in all parts of the protected area or not.

In contrast, the concept of protection as it applies to the species or habitat of concern in a Natura 2000-site does not end automatically at the boundaries of the area. For any of the species and/or natural habitat types protected by the European directives, no disturbance or impact originating from the outside is permissible that would compromise the area’s ecological integrity.

On the other hand, not every impact even inside of a protected area under the Natura 2000 concept – is forbidden as long as it does not harm the conservation status of the natural habitat types or the species of interests under the EU directives. Consequently, for further development of nature-based sport in mountain areas, Natura 2000 implies more freedom than conventional protected areas. However, Natura 2000 may make further developments more difficult, because of the more complex management processes required if several species or habitats are to be considered.

Deterioration

The directives state clearly that no deterioration of the species or biotopes under concern may occur in any

Figure 1. In the Nature Park Southern Black Forest most of the suitable areas for winter sport are also very valuable for nature conservation purposes (Roth & Krämer 2000).
Natura 2000 area. The scope of the FFH-directive reaches beyond the evaluation of physical projects or plans (i.e. transportation plans, land use plans). Most importantly, the directive is also applicable to the effects of any activities like nature-based sport and outdoor recreation on the landscape, which do not necessarily require explicit a priori authorisation. Therefore in this study we had to discuss and to define whether the different forms of outdoor recreation and sport may cause such a deterioration. In recently published research papers in the fields of outdoor recreation, sport and environment, a rather critical view is dominant (see Schemel & Erbguth 2000; Pröbstl 1996, 1998; Seewald et al. 1998; Ammer & Pröbstl 1991). One particular point of critique is that sport and outdoor recreation activities become increasingly specialised and therefore their demands on the environment may differentiate further, even for relatively similar activities. Therefore we propose the following typology of outdoor recreation and nature-based sports activities:

- activities depending on infrastructure (Type 1), i.e. downhill skiing or golf;
- activities depending on special attributes of the landscape (Type 2), i.e. climbing, canyoning or rafting; and
- activities without any special facility requirements (Type 3), i.e. hiking, horse riding or biking.

Activities of Type 1 usually are not expected to lead to conflicts. Any facilities located in a Natura 2000 site that had been installed before ratification of the directives may continue with their original operations. Typically, these facilities are fundamental to the enjoyment of the respective recreation activity. If concerns arise about the ecological effects of any of these activities on nature, usually these concerns can be managed by either informing clients about the impacts they cause, or by regulating the licensee.

Further regulations can define limits for the number of users or acceptable levels of disturbing effects. For example, the waiting time at ski lifts could serve as a tool to limit the number of skiers active at any one time.

An exception to this generally positive evaluation could occur if any impacts or disturbances would affect the surrounding area (i.e. off-piste-skiers). Such disturbances and deteriorations should be assessed against the objectives of the directives. If significant effects – a certain amount of the respective disturbance should be tolerated – are likely, then measures to prevent those effects need to be established. These measures apply only to the species and habitats of EU-concern and, if necessary, should also be implemented outside the boundaries of the respective Natura 2000 site.

Type 2 activities do not require any special technical infrastructure, but rely on intrinsic properties of the landscape like rocks for climbing, or white water for canoeing. The areas suitable for these activities frequently coincide with areas of high ecological integrity. Therefore it is to be expected that these Type 2 activities often stand in conflict with the goals of the European directives. In these situations, potential disturbances or deteriorations have to be assessed on a case-by-case basis. Two aspects in particular need to be considered: the favorable conservation status of the natural habitat or species concerned, and the contribution (and frequency) of the site to the coherence of the Natura 2000 network.

Many examples from the German Alps as well as its other mountainous areas (e.g. the Black Forest, the upper Danube valley or the national park “Saxon Suus” near Dresden) document that for this type of activities measures are required to resolve the conflicts. The respective state has to take measures which correspond to the ecological requirements of both the natural habitat types and the species of EU-interest. Therefore, for areas containing Type 2 activities one can anticipate the need for a large-scale overall planning process concerning the differentiated outdoor recreation activities.

For example, for ski-touring and climbing, different spatial or temporal regulations have already been established in some mountainous regions. Research still needs to prove the positive effects of these agreements and whether they are an appropriate measure in Natura 2000 sites.

Type 3 activities refer to all activities that can be pursued without any special facilities or special structures in the landscape. Most of these activities simply rely on country and forest roads. In contrast to the Type 2 activities, almost any kind of landscape is suitable for these rather general activities such as hiking, biking or horseback riding.

While ecological disturbances or deteriorations are possible, they are much less likely to occur. Furthermore, it is generally easier to identify acceptable solutions and suitable mitigation measures, because large tracts of the landscape are available for these kinds of activities.

However, even with these rather moderate activities, certain deteriorations may occur, if the number of visitors increases, or use intensifies. This slowly increasing effect is described as a “furtive” deterioration. Furthermore, the combination of different visitor groups may also cause some deterioration. In most cases an entire description including all forms of land use is necessary to solve those problems. In such a situation, a possible management instrument is the management plan (see below) which is a suitable instrument to integrate the different demands concerning any form of land use.
FFH-assessment

The goal of the European community is to maintain Natura 2000 areas without negative effects. But if modifications are planned in any Natura 2000 site or its surroundings, then an appropriate assessment of the implications for the site and the conservation objectives are required. This new instrument differs from the environmental impact assessment (EIA), which has a long tradition in the planning process (see Baumann et al. 1999; Beckmann & Lambrecht 2000; Jessel 1999; Maar-Kipfel 1999). In the FFH-Assessment, all influences which may cause impacts on the natural habitats and species of EU-interest need to be evaluated. Only those projects and plans, which are unlikely to have any significant effects on the favorable conservation status, the ecological integrity and the ecological requirements of the protected species are permitted.

The directives call for assessments of specific projects such as a golf course or a half-pipe for snowboarding, as well as of any general land use or sectoral plans as long as they are likely to have a significant effect on a Natura 2000 site.

An assessment is even required for plans or projects that are located outside a protected area, if the undertaking is likely to lead to a significant effect on the natural habitat types and habitats of species of EU-interest. A second stage of the assessment investigates whether outside plans or projects may cause any cumulative effects. Such cumulative effects are especially likely in mountain areas, characterised by a variety of recreational activities in the same location. A series of individually modest impacts by recreation may, in combination, produce a significant impact.

The main content of the FFH assessment consists of:

• the definition of the project or plan;
• the method of analysis and database;
• the description of the plan or project;
• the description of the Natura 2000-site and the conservation objectives;
• the description and evaluation of the impact considering measures for optimising;
• alternative solutions and mitigation measures
• cumulative impacts;
• evaluation of the significance of the impact; and
• conclusions.

The following example (Figure 2) shows that the assessment should only focus on implications associated with the site’s explicit conservation objectives. In the first example, a new horse riding trail is planned across the summer home range of a bat. If the administration determines (usually in collaboration with experts) that this new trail will have no influence on the conservation goals with regards to the identified species or habitat during the various seasons, then the project may go ahead as planned.

The second example in Figure 2 assumes that a riding-trail is planned in a Natura 2000 site containing a Nardetum, a grassland area with rare plant species like Arnica montana, a natural habitat of EU-interest. In such a situation, one has to expect a significant reduction of this vegetation and a partition of the habitat by the riding trail. Because of these significant impacts, this project should not be implemented. After a negative assessment, a project may only be undertaken if there are no other alternatives, and if an imperative reason for overriding public interests exists, including social or economic concerns. It is unlikely that nature-based sports and outdoor recreation projects will receive such exceptions.

Obviously, the FFH-assessment process will affect the development of nature-based sport and outdoor recreation facilities in mountain areas in the future. The construction of new golf courses, harbour for sailing boats, airport for gliders and auxiliary sailplanes,
facilities for downhill biking or in-line skating near or in a Natura 2000-area could get more and more difficult. It is the role of the FFH-assessment process to examine whether these facilities and their development could cause a significant disturbance or deterioration. To simplify the screening process, we propose to divide projects into three groups:

- projects where the proposed changes to existing facilities are only minor;
- projects where the current situation will be changed intensively;
- new projects.

In each case, the screening process needs to decide whether significant effects are likely either due to the specific project per se, or in combination with other projects or plans. It is to be expected that in the first group no impact assessment will be required in most situations.

In the second and third case, the respective authority will have to implement a detailed screening and needs to decide whether a significant effect is likely. A larger change to an existing facility, or the development of new structures is considered to have a significant negative effect, if they cause one or more of the following:

- a grave reduction of the natural habitat types or habitats of the protected species;
- any change to the site conditions such as to the level of groundwater, water quality etc., and to the ecological requirements of species for which the area has been designated;
- disturbances; and
- any partition of biotopes and habitats.

In the future, it will be particularly difficult to develop new facilities in mountainous areas with a high density of valuable natural habitat types and species of EU-interest. The renunciation of new facilities is a contribution to ensure a favourable conservation status there.

A deterioration can also be caused by events. Therefore an event should be perceived as a project. Many mountain areas are an attractive location for sport events. Larger events have to be approved by the authority. If they are likely to cause any deterioration, it is possible that an FFH-assessment is required (see above). If that is the case both the possible impacts caused by the sport activity per se, as well as those caused by any participants such as competitors, their support staff, the catering service, and spectators need to be taken into account. The assessment also needs to consider the effects associated with secondary activities such as music and light shows. Again, any impacts are only relevant if they affect the natural habitat types and species of EU-interest for which the areas have been designated. For example, a snowboard competition accompanied by loud music is not considered a significant disturbance, if vegetation such as the Nardetum is the species of concern. If the event were to be held in black-cock habitat, then the event most likely needs to be considered a significant disturbance.

If the same kind of event is to be organised annually and the monitoring program produces positive results, some German states are of the opinion that only an assessment for the first event is required (Land Brandenburg 2000).

**Management plan**

Most Natura 2000 sites require a suitable management of its natural or semi natural habitat types and habitats of protected species. At some sites conflicts between the interest of nature conservation, recreational and other land use interests are known to exist already, or can be expected. In those areas a management plan is needed. The management plan must identify suitable measures (for example statutory, administrative or contractual measures), suggest means to resolve conflicts, and increase the level of acceptance and transparency for the public (Gellermann 1998; European Commission 2000). Any of these measures may imply restrictions for the outdoor recreation and nature-based sport use. Therefore it is essential to point out that the European Commission explicitly proposed that management is to develop in cooperation with user groups in a bottom-up-approach. At the moment this essential process goal is not widely known, although it should be an integral component of any planning process from the outset. Therefore the management plan should be written in plain language and – as far as possible – consider

**Role and task of the management plan**

![Figure 3. It is an essential part of the planning process to establish the management plan using a multidisciplinary approach and to involve local actors and the various land use interests including sport and recreation.](image-url)
the interests of other user groups. Their involvement in the planning process frequently will lead to the identification of alternative measures which might be acceptable to all parties involved.

Such a cooperative and transparent planning process will also increase the acceptance of the directives, and at the same time increase the chances of a successfully implementing the measures to preserve the respective Natura 2000 site or to develop it into a favourable conservation status (Pröbstl 2001).

Conclusions

Even though the administration in Germany has the opinion that “normal” nature-based sport and outdoor recreation activities do not cause any problems in Natura 2000 areas, they are to be expected. Whether these activities may have a significant effect on natural habitat types and species of interest depends on several factors:

- the type of the recreational activities;
- the number of active participants;
- the intensity of these activities;
- the sensitivity of the species or habitat types;
- the compromised situation; and
- the cumulative effect of different influences such as other land use, hunting or other recreational activities.

Therefore, in attractive mountain areas there is a need for a more sophisticated management tool, that brings together the requirements of nature-based sport and recreation on the one side, and the interests of nature conservation with respect to the objectives of the European directives on the other.

The appropriate instrument is the management plan. Contrary to the present situation in most parts of Germany, the main interest groups such as local actors and members of sport associations should be involved in the planning process. Only a bottom-up approach will safeguard against further conflicts and guarantee the effectiveness of the protection.

Furthermore, the interviews and discussions with representatives of the sport and recreational associations have shown that the acceptance of the idea of an European ecological network currently is rather low on their part. Therefore, more public information work is required, and a reasonable mode of implementation of the new planning instrument, the FFH impact assessment needs to be defined for projects, events and plans.

References


Received 02. 10. 02
Accepted 22. 10. 03

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