

New Developments in the Wadden Sea Protection Regimes

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Introduction

The national protection regimes in the three Wadden Sea countries have been amended or are currently in the process of amendment:

In Denmark, the revised Statutory Order for the Danish Nature and Wildlife Reserve in the Wadden Sea was enacted in March 1998 (see WSNL No. 1/1998). Currently, the trilateral Wadden Sea Plan is being implemented by the two county councils Ribe and South Jutland in the framework of regional management plans.

In Germany, the amendment of the National Park Act in Schleswig-Holstein, resulting in an extension of the National Park, a zero-use zone and a whale protection area, was finalized in October 1999 (see WSNL No. 1/2000). The Hamburg National Park Act was endorsed in April 2001, and the amendment of the Lower Saxony National Park Act was endorsed in May 2001.

In the Netherlands, an amended key planning decision document was presented by the Dutch government (see also WSNL No. 1/2000) and was subject to a public hearing in the period February – May 2001.

Regional Plans in Denmark

The two county councils Ribe and South Jutland decided to implement the State Declaration and the Wadden Sea Plan relevant for the regional level in the framework of the regional physical planning. In 1999, the two county councils issued a document of intent with the aim of obtaining input and ideas from authorities, organizations and local citizens to the elaboration of a planning document. The document of intent entailed a number of issues and questions based on the targets of the Wadden Sea Plan regarding the development in the Wadden Sea Area and the adjacent area.

On the basis of these inputs the county councils have jointly issued a draft planning document as an amendment to the overall regional physical plan in December 2000. The planning document entails a framework for the future development of the Wadden Sea Region. This framework establishes a general zoning of the future use and protection of the area in terms of nature and agriculture, landscape and the cultural environment, tourism and recreation, and urban and industrial

developments. The planning document further entails guidelines for the management of the area in terms of the relevant themes of the Wadden Sea Plan. The guidelines entailed in the administrative part of the document are binding for the planning of the municipalities and the municipal and regional administration of area related national legislation (e.g. Nature Protection Act, Raw Material Act etc.). The planning document also entails recommendations to state government organizations and intentions of the regional government for the future management.

The draft planning document was subject to public consultations from December 2000 to February 2001. On the basis of the reactions the draft planning document will be amended and endorsed by the county councils as the supplementary planning document "The Wadden Sea and its surroundings" to the regional plan.

Amendment of the National Park Act in Hamburg

The Hamburg National Park Act was amended in April 2001. The act entails a seaward extension of the national park up to the 3-nautical-mile limit. The extension has increased the area of the national park with approximately 2,050 ha to now 13,750 ha. The amendment entails both a harmonization between the National Park Act and the EU Habitat Directive and a new specification for fishing regulations within the National Park resulting in the extension of the already existing zero-use zone up to more than 75% of the National Park area. The act also entails stricter regulations of certain recreational activities such as, e.g. kite flying and the traditional collection of mushrooms.

The state government has decided to build an information center on the island of Neuwerk. The building is anticipated to be finished by autumn 2002. The center aims at promoting the environmental education and awareness of the National Park.

In March 2001, the Hamburg Wadden Sea Atlas was published as a first part of a National Park Plan. The atlas entails a recent and easy-to-understand overview about the status of the National Park.

Amendment of the National Park Act in Lower Saxony

The Lower Saxon Wadden Sea National Park Act was endorsed in Parliament in May 2001. The amended act entails as in the Schleswig-Holstein case an extension of the National Park and a revision of the zoning scheme.

The National Park has been extended seawards partly beyond the 3-nautical-mile line off the islands of Borkum and Baltrum, it includes areas formerly outside the National Park in the Ems-Dollard estuary (Rysumer Nacken), the nature reserve in the Dollard and a transition zone between salt marsh and the geest south of Cuxhaven. The National Park also covers the large majority of the islands. Compared to the former National Park area well defined parts on the islands consisting of build-up and intensively used areas have been excluded and the boundaries redefined.

The zoning scheme within the National Park has been partly revised. The zone 1 has been extended on most of the islands to also include the primary dune areas on the eastern parts of the islands. Also in the tidal area, the zone 1 has been extended. The recreational zone has partly been extended. Some intensively used parts of the recreational zone have been excluded from the National Park. With regard to the tidal area, the zoning scheme will be modified concerning the protection of Sabellaria reefs, eelgrass beds, birds and seals.

The area of the National Park has, as a result of the amendment of the act, increased with about 400 km² up to 2,800 km² (280,000 ha). With the adoption of the revised act the boundaries of the National Park partly extends offshore beyond the trilateral Wadden Sea (Cooperation) Area.

Key Planning Decision in the Dutch Wadden Sea

In February 2001, an amended key planning decision document was presented by the Dutch government (PKB, 3rd Note Wadden Sea). The document was subject to a public hearing in the period February – May 2001. On the basis of the reactions of organizations and citizens, the advice of the Wadden Sea Advisory Board and negotiations with the regional and local governments, the government will submit a note to the parliament for consideration and adoption.

The PKB is a national physical planning document which is the basis for all planning, conservation and management for the Wadden Sea under the jurisdiction of state, regional and local authorities. The planning document is subject to parliamentary endorsement and has, in substance, the status of a law. The PKB is valid for a period of 10 years after which the governments must indicate to the parliament whether it intends to amend it.

The area covered by the PKB is delimited by the dikes and dunes on the mainland and main islands, including those areas of the islands, which are regularly flooded. It covers about 2,400 km². The government has refrained from amending respectively extending the area. It will not lead to a simplification because the various delimitations which exist for, e.g., the nature reserve and the Natura 2000 would continue to exist and efforts would have to be made for working towards a differentiated policy and measures for an enlarged area.

The objectives of the PKB have been amended to explicitly also include the conservation of the landscape qualities, in particular, the quietness, the openness and the naturalness. This objective is as indicated in the PKB closely related to the Targets, as entailed in the Wadden Sea Plan. It also encompasses a development vision for the Wadden Sea for the period until 2030.

The PKB lays down policy guidelines for the different activities in the Wadden Sea. A substantial amount of those guidelines are binding decisions for state authorities. Others are guidelines, which the regional and local governments will have to take into account in elaborating, e.g., regional and local planning. The PKB also includes a framework of balancing different interests in conformity with Art. 6 of the Habitat Directive.

In anticipation of the initiation of the discussion of proposed amendments to the PKB, the Dutch government decided to refrain from issuing permits for the exploration of gas in the Wadden Sea and in sites on the fringe of the Wadden Sea, because of the uncertainties with regard to potential environmental impacts. Further gas exploration and exploitation is currently not allowed with the exception of the existing 3 sites in the Wadden Sea Area.