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Member of the European Commission

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Dr. Henk Bleker
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THE NETHERLANDS

Dear Dr. Bleker,

Referring to your letter of 30 June 2011, I would like to come back on the decision of your Government to implement a package of alternative measures for the Western Scheldt.

The Scheldt estuary is the only remaining important estuary in North Western Europe with still a largely natural character. We both agree that is in a very bad conservation status and that restoration is urgently needed. The adverse changes in the Western Scheldt have been the consequence of land reclamation and enlargement of the navigation channel. Shallow tidal areas have disappeared and the tide is penetrating deeper and deeper into the estuary. The mosaic of small channels and moving tidal flats with crucial importance for the unique flora and fauna is being replaced by deeper water with strong currents and steep banks. This has serious consequences not only for biodiversity but also for flood protection.

So what is at stake is not just a discussion about the location of a specific conservation measure, but rather the need to urgently implement a scientifically sound and efficient package of restoration measures that will halt the ongoing deterioration of the Western Scheldt and avoid that this unique natural heritage will be irreversibly lost with unpredictable consequences also for the economy in the Netherlands and beyond.

As far as my services are aware, the scientific basis of the integrated approach and the individual nature restoration measures under the Western Scheldt development scheme ('Ontwikkelingsschets 2010') have never been questioned. An important assumption at the basis of that scheme was that the river needs more room in order to be able to cope with negative impacts of past and still on-going developments linked to navigation, land reclamation and flood protection.

My services have now concluded their assessment of the proposed new alternative package of conservation measures in the Western Scheldt taking into account the additional elements sent by Director General Hoogeveen on 15 July. Our conclusion is that we do not consider the measures as corresponding to the urgent ecological requirements of the ecosystem with its deteriorated habitats of Community interest and habitats of species of Community interest, or as representing an appropriate step to halt the still on-going deterioration of such habitats in the Natura 2000 site 'Westerschelde & Saeftinghe'.

Our doubts are mainly based on the difference between what your competent authorities had repeatedly assessed until November 2009 as corresponding to the ecological requirements of the site, and what has been decided in June 2011. These are set out in more detail in the annex.

The nature restoration package which was part of the integrated development Scheme for the Western Scheldt ('Ontwikkelingschets 2010') and which benefited from a very broad support in the scientific Community with regard to its expected positive impact on the Western Scheldt estuary, is now being replaced by alternative measures with many uncertainties and question marks.

I would therefore like to express my sincere hope that your government will adjust these alternative measures in line with a truly integrated development of the Western Scheldt as initially agreed with the government of Flanders, for a healthy and productive environment in the region and a vital contribution to biodiversity conservation.

I look forward to our continued collaboration.

Yours sincerely,



Annex

Member States do not need the formal approval of the Commission of measures they take under Article 6(1) and 6(2) of the Habitats Directive (92/43/EEC). Any alternative to the flooding of the Hedwigepolder must be scientifically demonstrated to be a valid alternative for that project, realistic in terms of the timing and represent an equivalent of at least 100% of what had earlier been recognized both by the scientific Community and the competent authorities as a necessary package of restoration measures.

In the initial development scheme for the Western Scheldt it was stated that the restoration of the Western Scheldt would require the creation of at least 600 hectares of estuarine habitats and this in 3 different ecological zones of the estuary: the coastal zone, the polyhaline zone and the mesohaline zone. The 2005 Treaty with Flanders provides that the Netherlands will restore 10-20 ha of estuarine habitats in the coastal zone, 275-300 ha in the polyhaline zone and 290 ha in the mesohaline zone of the Western Scheldt as a minimum package.

Scientists who have been consulted on the Deltares-report have raised significant concerns with regard to the ecological return of certain actions proposed and even with regard to possible counter-productive effects. Some expected results are said to be uncertain or their expected benefits over-estimated. The nature and extent of the measures under phase 3 will largely depend on the results of the monitoring of the benefits that will ultimately be achieved by the measures of phase 1 and 2 whereof an initial judgment can be made only years after their completion. Arguments that the measures under the alternative package would be initiated earlier than it would have been the case for the initial project in the Hedwigepolder are not convincing, as the decision-making process for that project was already far advanced when the decision was taken to abandon this project.

The first phase of the alternative measures now foresees for 2013 the creation of artificial low-dynamic areas in the mesohaline zone over 57,5 – 123 ha ('Platen van Hulst', 'Platen van Ossensisse' and 'Appelzak'). These habitat-related measures aim at creating new low-dynamic tidal flats from existing habitats within the existing river bed. They are not equivalent to giving more room to the river by creating new tidal habitats at the expense of existing polder land. Whereas the measures at the 'Platen van Hulst' and 'Platen van Ossensisse' only affect a very limited area (possibly closer to the estimated lower limit of 57,5 ha than the upper limit of 123 ha), the measures at 'Appelzak' are problematic as they imply the closing of an existing side-channel of the river situated within protected intertidal habitats (H 1130 'low-dynamic littoral & sub-littoral marshes and H 1330 'mesohaline marshes') and re-directing the water flow towards another key nature area (the 'verdrongen land van Saefhinghe') with a risk of erosion of existing protected habitats there and a further deterioration of the conservation status. The Appelzak project furthermore contributes to locally reducing the multichannel system to a single-channel system which is contrary to what nature restoration should achieve in the Western Scheldt.

The second phase implies the flooding of the Schoterpolder and the Welzingerpolder (151 ha) nearby Vlissingen in 2014. These polders are located in a different ecological zone of the Western Scheldt, namely the polyhaline zone whereas the Hedwigepolder is located in the mesohaline zone. For that reason also, the flooding of the Schoterpolder and the Welzingerpolder cannot be considered as an ecologically equivalent alternative to the flooding of the Hedwigepolder.

Moreover, the alternative measures decided in June 2011 will not lead to the creation of a large ecologically coherent area of estuarine habitats as it would have been the case with the Hedwigepolder (which borders the 'Verdronken land van Saefthinge' and the Prosperpolder on the Belgian side). In his letter of 15 July 2011 Director General Hans Hoogeveen indicates that there is no benefit in creating large areas. However, in the 2005 Nature Programme for the Western Scheldt (P. 7), which was drawn up by Ministry of Agriculture, Nature and Food Safety (LNV), it was clearly stated that nature development in larger, connected sites is ecologically speaking the most efficient because such sites create benefits of scale, are more robust and less demanding in terms of management and will therefore provide an increased benefit to the Western Scheldt estuary as a whole, including for flood protection.

As for the third phase, it has to be noted that no specific measures have been proposed yet, although the measures of the first and second phase do neither account quantitatively nor qualitatively by themselves for the 300 hectares of new estuarine habitats which had initially been identified in the Hedwigepolder.

Finally, the proposed alternative measures will not lead to the creation of a large ecologically coherent and valuable area of estuarine habitats as it would have been the case for the Hedwigepolder, the 'Verdronken land van Saefthinge' and the Prosperpolder. It will also be very detrimental to the overall ecological (and economic) coherence of the conservation measures that are being taken on the Dutch and Flemish side.