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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05 May 2009
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OPINION OF THE COMMISSION

delivered upon request of Germany according to Art. 6 (4) Sub Par. 2 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of the natural habitats as well as the wild animals and plants, concerning the approval of the extension of the Lübeck-Blankensee airport

(Only the German text is authentic)

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I. The legal framework

Article 6 (3) of directive 92/43/EEC requires that any plan or project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of its implications for the site and subject to the provisions of paragraph 4, the competent national authorities may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

According to article 6 (4) of directive 92/43/EEC, a plan or a project may be carried out in spite of a negative assessment of the implications for a Natura 2000 site, in the absence of alternative solutions, if it is justified for imperative reasons of overriding public interest, including those of a social or economic nature. In this case the Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected and it shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, and if considerations relating to human health, public safety or beneficial consequences of primary importance for the environment cannot be invoked, the project can be justified, further to an opinion from the Commission, by other imperative reasons of overriding public interest.

II. The German request

On 10.09.2008, the Commission received a letter, together with accompanying technical dossiers, from the German Permanent Representation requesting an opinion of the Commission pursuant to Art. 6 (4) of the Directive 92/43/EEC (“Habitats Directive”) concerning the approval of the extension of the Lübeck-Blankensee airport.

III. The project

The project concerns the prolongation of the airport's runway on 155 m and the development of the existing infrastructure including the renovation of positioning and navigation installations, the addition of buffer zones around the runway, the construction of service buildings and parking lots, the enlargement of utility services, the building of new fences and the improvement of the surface drainage systems. According to the German authorities, these infrastructure improvements will enable more airlines to operate in a more efficient way (higher number of flights will be better synchronised in time) as well as to dispatch a higher volume in freight and passenger (both linear and low-cost) transport, thereby enabling Lübeck-Blankensee airport to provide an additional discharge capacity function to the nearby Hamburg airport. Complementing intermodal transport infrastructure measures will better connect the Lübeck-Blankensee airport with its regional infrastructure environment (new train connection, A 20 highway).

¹ O.J. No. L206 of 22.7.1992, p. 7

IV. The sites

Site DE 2130391, "Grönauer Heide, Grönauer Moor und Blankensee", is a Site of Community Importance (SCI) designated under the Habitats Directive. This site, situated in the Continental biogeographical region, covers an area of 345 hectares and surrounds the airport. Site DE 2130491, "Grönauer Heide", is a Special Protection Area according to the Birds Directive and is completely enclosed by the larger site DE 2130391. The area is mainly characterised by small patches of priority habitat types of Annex I to the Habitats Directive (species-rich *Nardus* grasslands – habitat type 6230*, and bog forests – habitat type 91D0*) and non-priority habitat types such as ponds, dry heath lands, wet grasslands and fens as well as oak forests. Despite the small patch size, the overall habitat mosaic makes the area the most species-rich site in the region of Schleswig-Holstein, and important on European level.

All the construction works which are to be carried, with the exception of some electricity cables, water pipes and associated, small technical buildings occupying an area of approximately 500 m², will take place outside the perimeter of the Natura 2000 site. However, the operation of the enlarged airport will impact about 12 hectares of habitat types contained in Annex I of the Habitats Directive. The responsible authorities contend that there are no alternatives for the project and that there are compelling social and economic reasons of an overriding public interest.

The location of the airport in relation to the Natura 2000 sites is illustrated in Annex 1.

V. Implications of the project on the site

Construction works will necessitate the digging up of a 200 m² dry heath land area (non-priority habitat type 4030), which will be restored after the works are completed. No further habitats will be damaged directly by the carrying out of the works, neither will any habitat be destroyed by the runway construction. However, the operation of the extended airport will have impacts on the site and its species, due to the increased air traffic and the associated increase in atmospheric pollutants. The competent authorities have assessed other potential impacts, such as increased road traffic to and from the airport, the problems of noise, dust and light emissions, the temporary changes in ground water levels, the sealing of soils due to the prolonged runway and the consequences of higher visitor numbers. The authorities have concluded that none of these changes will have a significant impact upon the conservation status of the habitats and species in the Natura 2000 site.

The following priority and other habitats recognized under the Habitats Directive will be affected by the long-term operation of the airport. These habitats suffer from an inadequate, unfavourable or bad conservation status on European scale (within the Continental biogeographical region)². The site itself presents a good or significant overall conservation value for these habitats, which underlines the importance to maintain quality and function of the affected habitats of this site.

6230* Priority habitat: Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas in Continental Europe)

2310 Dry sand heaths with *Calluna* and *Genista*

2330 Inland dunes with open *Corynephorus* and *Agrostis* grasslands

4010 Northern Atlantic wet heaths with *Erica tetralix*

² According to status reports from EU Member States, following the provisions of Art. 17 Habitats Directive. Published by ETC/BD on <http://biodiversity.eionet.europa.eu/article17>.

4030 European dry heaths

7140 Transition mires and quaking bogs

9190 Old acidophilus oak woods with *Quercus robur* on sandy plains.

Two species, 1040 *Leucorrhinia pectoralis*, and 1166, *Triturus cristatus*, could possibly be impacted by the deterioration of their habitat (7140, above). Two further species, the snails *Vertigo angustior* 1016 and *V. moulisiana* 1014, could, potentially, suffer negative impacts resulting from the deterioration of habitat type 7140.

One of the long-term impacts of the airport on the Natura 2000 site concerns the on-going deposition of nitrogen (coming from plane engines, on-site vehicle engines, visitor traffic etc). Deposited nitrogen enriches the soil and can result in significant changes to the plant species found on the site. Many of the habitat types and associated flora and fauna found in the site neighbouring the airport are typical of nutrient poor localities and they are highly sensitive to soil enrichment. One of the main challenges for future site management will be to address the issue of nitrogen deposition which will be accelerated if the airport is enlarged.

The following bird species could be negatively impacted by the project, with pair numbers in brackets (): *Anthus campestris* (2), *Caprimulgus europaeus* (1), *Lanius collurio* (>15), *Lullula arborea* (5), *Sylvia nisoria* (7), *Pernis apivorus* (1), *Crex crex* (3), *Dendrocopus medius* (1) (all in Annex I); and *Miliaria calandra* (5), *Alauda arvensis* (10), *Coturnix coturnix* (2) and *Acrocephalus schoenobaenus* (2) – all are migrating birds according to Art. 4 (2). However, according to modelling calculations, noise levels both during the construction period and during airport operation will not have significant effects on the birds. The construction works will furthermore be implemented outside the breeding season.

In conclusion, the project will adversely affect in the sense of Art. 6 (3) of the directive the integrity of a Natura 2000 site hosting several protected habitats, including two priority habitat types and a number of protected species. Consequently, the project may only go ahead if it satisfies the requirements set down in Article 6 (4) of the Directive.

VI. Fulfilment of the requirements under Art. 6 (4)

- Alternative solutions

The German authorities have informed the Commission that the economic development of the region will require an increase in air travel and a concomitant increase in airport capacity. An extension to Hamburg Airport, or the construction of a completely new airport in the region, was considered as impractical as well as having very high environmental costs. With regard to the development of the Lübeck-Blankensee airport, five technical variants for the prolongation of the runway have been assessed regarding their impact on the Natura 2000 sites, of which the least damaging solution has been selected. According to the competent authorities, the chosen length of the runway is the minimum necessary for guaranteeing the intended enlargement of the airport. As the flight modelling and regional-economic assessments show, none of the alternatively evaluated measures will adequately guarantee the targeted transport functions, which are requested in the legal planning instruments ("Landesraumordnungsplan" and "Regionalplan") for the forecasted higher passenger numbers (in 2020, 3.25 mio. passengers, compared to 1.8 m. in the business-as-usual scenario, are expected for Lübeck-Blankensee airport). For the service functions, none of the other alternatives would create less damaging effects on the impacted habitats.

The competent authorities therefore consider that the development of the regional airport capacity can best be achieved through the implementation of the extension of the Lübeck-Blankensee airport according to the project proposal presented to the Commission.

- Imperative reasons of overriding public interest

The claim that there exist compelling reasons of an overriding public interest is based on the arguments the extension of the Lübeck-Blankensee airport will be indispensable for the further economic development of the region, due to the better connection of Lübeck to national and international air traffic. This is seen as fundamental precondition for the promotion of the region in economic, research and touristic terms. Regional economic models suggest that the extension could create up to 5.300 direct and indirect jobs up to 2020 and beyond.

- Impact mitigation

Accompanying measures to the construction works will have advantageous effects on the environment, especially for the Natura 2000 habitats and species. The current contamination with NO_x is already reaching critical loads, and the additional deposition of NO_x might reach significant levels – the project applies a precautionary strategy, i.e. to assume significant impacts to all areas up to 300 m N and 200 m S of the runway. Mitigation measures will limit the NO_x deposition effects, which are due to the intensified use of the airport. The planned measures (creation of nutrient-poor soil patches, removal of upper soil layers with subsequent grazing or mowing, rising water levels and cutting shrubs) will lead to a reduction of the already existing high NO_x charge of the soil. The linked habitat improvement will enhance the living conditions for the concerned species. Additional actions such as the improvement of the run-off drainage will enhance the overall quality of the site habitats.

Additionally, a mediation between stakeholder groups and the private airport investor in the framework of the planning procedure resulted in the creation of the "Grönauer Heide" foundation, to ensure the sustainable management of the site and to facilitate compensation measures and awareness raising programmes beyond the borders of the site. The foundation is donated with 2.5 mio. EUR from the airport and is managed by a consortium of nature NGOs and institutions.

- Compensatory measures

To compensate the expected impacts of the project the following measures are planned (all actions have undergone a Natura 2000 impact assessment):

Creation of 4 ha of the habitat type "7140 Transition mires and quaking bogs" by the restoration of a degraded mire within the same Natura 2000 site (this is to compensate for 2 ha of significantly effected 7140 habitat near to the airport, which will gradually lose its ecological functions).

There will be a conversion of 4 ha of coniferous forest into the habitat type "9190 Old acidophilus oak woods with *Quercus robur* on sandy plains", in the 7 km distant Natura 2000 sites DE 2130352 "Moorwälder am Wesloer Moor und am Herrnburger Landgraben" and DE 2031401 "Traveförde" (compensation of 1.13 ha affected 9190 habitat). Selective tree-cutting and subsequent abandonment of forestry management will be applied altogether on 10 ha of neighbouring forest parcels in the above mentioned Natura 2000 sites. Again, the ecological functions will be gradually developed in the newly created habitat, whilst the areas affected by the extension of the airport will gradually lose their functions.

Long-term process and habitat monitoring is part of the compensation measures. Accompanying planning measures (compulsory according to national law) have been adopted ("Landschaftspflegerischer Begleitplan").

VII. Opinion of the Commission

Based on the information submitted by the competent German authorities, the Commission concludes that an increase in airport capacity is justified in the context of the regional development plan and that there are no viable alternatives to the expansion of the Lübeck-Blankensee airport. Various alternatives have been assessed, and the chosen extension of the airport results as the best alternative ensuring a sustainable air traffic growth in the region whilst minimising the environmental effects of intensified air traffic, airport management and construction works. Neither the possible extension of nearby Hamburg airport, nor the null-alternative would achieve these targets to the same extent.

With regard to mitigation measures, the Commission considers (on the basis of the available information) that the least damaging alternative has been selected, and the actions to be implemented will limit the negative effects both of the construction and the operation of the enlarged airport. The mitigation measures are adequate and follow the precautionary approach. The project is however still likely to have disturbance effects to two habitat types, which need to be compensated.

The damage that will be caused to transition bog and old oak forest habitats will be compensated by the creation of equivalent habitats on a total area that will be 2 to 3 times larger than the areas that will be affected. The location of the compensation areas will contribute to the coherence of Natura 2000.

In the light of the above, the Commission considers that the proposed compensatory measures are acceptable under the following conditions:

The species *Leucorhina pectoralis*, *Triturus cristatus*, *Vertigo angustior* and *V. moulisiana*, which are strongly associated with the affected habitat type 7140 (transition mires and quaking bogs) will be closely monitored, and if their protection would be at stake, all measures should be taken to ensure the presence of a viable population in the area.

The management plan for the Natura 2000 site should take into account the dynamic nature of the natural processes shaping the nature of the site such as to allow appropriate adaptation of the foreseen compensation measures where necessary.

For the affected habitat types 2310, 2330, 4010, 4030 and 6230*, the actions foreseen under the current Art. 6(4) procedure, and the measures to be financed and implemented by the foundation, shall restore the conservation status of the concerned habitats and take measures to increase the population of the affected bird species. Special consideration should be given to the improvement of the conservation status of priority habitat 6230* within the heath and grassland habitat complex.

On the basis of the detailed information and explanations provided by the German authorities and taking into account in particular the issues set out in the present document, the Commission is of the opinion that the adverse effects of implementing the extension of the Lübeck-Blankensee airport on the Natura 2000 sites DE 2130491 "Grönauer Heide" and DE 2130391, "Grönauer Heide, Grönauer Moor und Blankensee", are justified by imperative reasons of overriding public interest.

In reaching this opinion, the Commission has taken particular account of the detailed assessment of ecological impacts when drawing up the planning documents, and the participation of the relevant stakeholders, which has been made in that process. The Commission also takes note of the creation of a foundation, which is accepted by the main participatory groups in the area, and which will ensure the sustainable management of Natura 2000 in that area.

The Commission would take this opportunity to remind the German authorities that projects such as the extension of the Lübeck airport which are based on an expected increase in air

traffic must be seen in the wider context of Germany's commitments to reduce greenhouse gas emissions in the light of EU objectives to mitigate climate change.

The opinion is subject to the following conditions:

- The compensatory measures will be implemented and monitored as described in the documents submitted to the Commission by the German authorities, and as requested in chapter VII. above,
- Detailed reports on the implementation and monitoring of these measures shall be prepared by the responsible authorities and be made available to the Commission upon request.

ANNEX

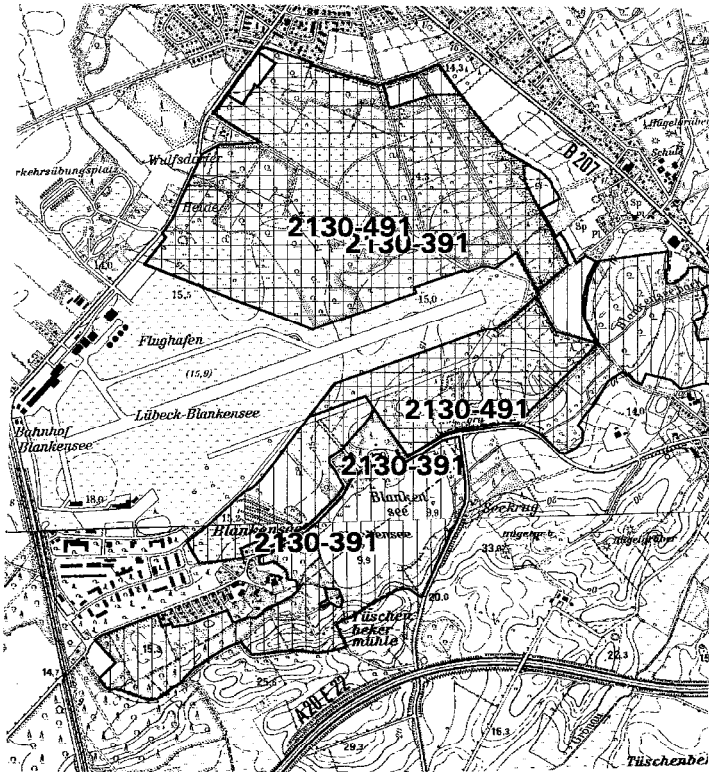
Map of Lübeck airport (image centre) and surrounding Natura 2000 sites



Site DE 2130391, "Grönauer Heide, Grönauer Moor und Blankensee" (SCI)



Site DE 2130491, "Grönauer Heide" (SPA)



M = 1 : 25.000

