



51. Annual Report 2019

<u>Period of the Report:</u>	01.10.2018 – 30.09.2019
<u>State:</u>	Federal Republic of Germany
<u>Name of the Area:</u>	Lüneburg Heath, (Lüneburger Heide)
<u>Certifications or national/ International designations</u>	Nature reserve area (LÜ002) FFH- Area (Nr.70) Bird- Saving Area number (V 24) European Diploma for protected areas (DE940003)

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Conditions: List here all conditions which were attached to the award or the renewal of the European Diploma. Explain either how the conditions have been totally complied with or detail the progress in complying with the conditions. Please also indicate any unresolved difficulties that you have encountered.

There were no conditions attached to the renewal of the European Diploma (see Resolution CM/ResDip(2015)5).

Recommendations: List here all recommendations which were attached to the award or the renewal of the European Diploma. Explain either how the recommendations have been totally complied with or detail the progress in complying with the recommendations. Please also indicate any unresolved difficulties that you have encountered.

1. Pursue a reduction, or at least a limitation to no more than the current amount, of the concession of ground-water extraction and coordinate the ground-water extraction for irrigation on farmland technically and quantitatively with the activities and infrastructure of Wasserwerke Hamburg; carry out additional studies and monitoring in order to collect more information about the influences of all kinds of water extraction on species and ecosystems; and simulation modelling should be undertaken for all factors possibly influencing the groundwater level, the soil, the streams, the different types of vegetation including forests, the biotopes of red-list-species, and the natural dynamic of the whole ecosystem.

After a lengthy approval procedure "Hamburg Wasser", the regional water supplier was granted a limited permission ("gehobene Erlaubnis") for groundwater extraction in Lüneburger Heide water reserve in March 2019. The withdrawal quantity was slightly increased from 15, 7 million cubic meters to 16, 1 million cubic meters per year. This is about 2 million cubic meters less the institution applied for. Hamburg Wasser handed in a complaint and is currently asking court for legal review. The water supplier demands an unlimited permission ("Bewilligung") with a term of validity of 30 years.

To reduce negative effects on groundwater level Hamburg Wasser set up a variety of ecological programs. In 15 areas of NSG Lüneburger Heide Hamburg Wasser supports the conversion of pine plantation into oak forests. Broad leaved trees have a much lesser evaporation rate than conifers. In long terms oak woodlands will therefore have a higher groundwater renewal rate.

Hamburg Wasser also encourages land owners to protect a hydrogeological feature called "schwebende Grundwasserquelltäpfe". These are areas of high ground water level along small brooks which can be preserved by a change of land use.

2. Pursue political recognition of the VNP's Lüneburger Heide Nature Reserve (NLH) and increase the public funding to the same level as is provided to Federal Nature Parks

VNP receives the requested funding to maintain and develop the Natura 2000 site, the FFH habitats and the species in good ecological condition. The granted projects run until 2022.

Programs and funds for nature conservation provided by EU and the Federal State of Lower Saxony are very difficult to apply to for non-profit organizations such as VNP. Application procedures are highly complicate, lengthy, costly and fraught with risk.

An increasing problem concerning programs and funds is the long time it takes between application, approval and first rate of payment. “Pre-financing” (Vorfinanzierung) is becoming an enormous risk for a rather small private nature conservation organization with limited funds such as VNP. In some cases it takes more than two years after application until the first rate of public money is transferred. During this time VNP has to pay employees and contractors to draft application forms and start to implement conservation projects. Unfortunately this is often only possible with borrowed means.

With regard to the upcoming new EU Program Period, VNP asks for better support- and counselling centers for Non-profit organizations. The new EU Schemes also should allow a kind of “payment on account” (Abschlagszahlungen), to reduce the current payment gaps between approval and first rate of payment.

Public grants for nature conservation in Lower Saxony are still distributed in the context of a ranking scheme. Nature reserves have to compete against each other. VNP wishes that nature reserves holding a European Diploma should get a higher ranking score in comparison to nature reserves without a European Diploma. This would underline the significance of European Diploma Areas in the context of a European nature reserve network.

3. Reconsider the ongoing practice of agricultural funding and pursue recognition of all types of heathland cultivation and all heathland restoration activities as a kind of “green land cultivation” with the same amount of funding, especially during the EC-funding period 2013-2020 and also for long term safe guarding.

In 2015 heathland (i.e. Calluna dominated heath land habitats on sandy soil) was included in the list of agricultural land defined by EC. There are still two negative aspects concerning heathland as part of the agricultural subsidy system.

Heathland farmers who apply for the single payment scheme get a reduction on grants for agri-environment measures (e.g. sheep grazing nature conservation schemes). This is a severe discrimination of heathland in comparison to grassland and arable land.

The second problem concerning single payments for heathland is the so called “100 tree rule”. In Lower Saxony heathland is only considered as agricultural land by the authorities in charge, if there are less than 100 trees growing per hectare. This regulation is very difficult to handle in shepherding practice and causes an enormous bureaucratic effort, as each tree has to be counted on aerial photographs every year!

VNP manages more than 4.500 ha hectare of heathland habitats. Even the shrub Juniper communis is considered a tree. Juniper is a kind of “coat of arms” of Lüneburger Heide and an important botanical part of heathland habitats. Juniper is part of the emblem of VNP since 1909. VNP does not accept that Juniper is considered a “negative influence” on agricultural land by the Agricultural Authorities of Lower Saxony (Landwirtschaftskammer Niedersachsen) in charge of implementation of the EU Single Payment directive.

In 2017 VNP's own farm “Landschaftspflegehof Tütsberg” was examined by a board of experts from EC Auditing Board Luxemburg. These experts explained, that the so called “100 tree rule” is meant for arable land only (e.g. for olive trees on arable land in Mediterranean countries). The “100 tree rule” is not meant for grasslands and pastures. Unfortunately the State of Lower Saxony (in particular the authority in charge “Landwirtschaftskammer Niedersachsen”) has a different legal perception.

VNP asks for a more practical regulation that takes the actual land use, i.e. the grazing of the whole area, into account. FFH habitats especially dry European heathland with *Calluna vulgaris* (4030) and

formations of *Juniperus communis* (5130) have to be considered agricultural land, even if there are more than 100 “trees” growing.

The case of the “100 tree rule” indicates that small private non-profit organizations need legal counsel and an information Centre or committee to apply to in cases of discrimination or unpractical requirements set by public institutions.

4. Pursue the continuation of funding for the rearing of the „Heidschnucke“ (Heathland sheep) by Lower Saxony and the Federal Republic and recognise the „Dülmener Pferd“ (Heathland horses) as worthy of subsidy by the rear-premium of Lower Saxony

VNP calls for an equal treatment of active breeders of rare breeds in all German federal states when new EU programs are set up in the next period of financing.

5. Develop a concept for connecting the large heathlands areas east and west of Wilsede by an ecological corridor.

During the last year a “corridor scheme” was set up by the three large woodland owners in NSG Lüneburger Heide: VNP, State forest authority (Landesforsten) and Klosterforst—Trust.

The corridor scheme is shown in the following map. It will be part of the new FFH-Management plan and is already agreed upon by the regional nature conservation authority.

6. Pursue restoration of streams, their associated wetland biotopes and their buffer strips.

Several projects concerning the restoration of streams and wetland habitats were carried out during the last years and reported in Annual Reports 2017 and 2018.

7. Reduce areas with cultivation of energy-crops to a level that does not affect the nature reserve’s flora, fauna, groundwater and the scenic attractions.

In order to promote and increase the attractiveness of so-called agri-environmental measures, VNP wishes significantly higher subsidy rates. Otherwise agri-environmental schemes cannot compete with the highly profitable cultivation of energy crops.

8. Continue ecological forest management and convert mono-croppings of spruce into mixed forests including oak (*Quercus* spp.)

Pasture woodland project

During the last years VNP carried out restoration work at Wilsede pasture woodland (see Annual Report 2017, 2018).

Woodland-Open land Fringes – “Ökokult-Projekt”

The historic cultural landscape of Lüneburger Heide is characterized by large open heath land habitats. During the 19th century thousands of hectares of open land were reforested with pine plantations. These dense forestations nowadays block important ecological corridors for endangered heathland species such as black grouse.

In 2016 VNP was granted a joint research project with Leuphana University of Lüneburg to enhance ecological corridors. The so called "Ökokult-Project" is financed by Federal Ministry of the Environment and Federal Ministry of Research.

During the last years VNP started to open the canopy of dense pine tree plantations. In two model areas more than 50% of pine trees were chopped down to allow more sunshine on ground level. In long term the Ökokult-Project will generate habitats that are similar to the traditional Pasture woodlands with good habitat quality for species of woodlands as well as open heathlands.

Botanists and Zoologists of Leuphana University installed "Exclosures" and will monitor the development of the new fringes until 2022.

9. Ensure that existing data are included and respected in regional planning processes and also ensure that negative impacts on the nature reserve from outside the area's boundary are prevented; before licensing a wind farm, or any other project in the neighborhood of the reserve, carry out sufficient and detailed studies taking into account the formulated VNP recommendations.

In 2018/19 experts of VNP started monitoring programs on bats, dragonflies, moths, reptiles and birds. A Zoologist of Leuphana University also examines ground beetles as part of the "Ökokult" project mentioned above.

All data collected by VNP and associated research partners are transferred to public nature conservation authorities to be used in public planning and monitoring instruments.

10. Complete the database of Lower Saxony concerning FFH-Species so that all species existing in the reserve are listed and considered in regional, national and federal planning procedures.

The standard information sheet (part of the FFH-directive planning process) was supplemented by known disturbances (but without questioning landowners).

Further species or habitats listed in the appendices of FFH-or EU-Bird-Directive were still not included in the standard information sheet.

The federal state of Lower Saxony does not carry out any further surveys of FFH- or EU- Bird directive species. There are still severe lacks of information concerning bats.

There are still no coherent ecological data bases in Lower Saxony. Data on species can be found in separate forest data bases, FFH-data bases, surface watercourse data bases and data bases concerning certain speciation like birds, reptiles, mammals, locusts, dragonflies, moths.

It is very laborious to extract relevant data from all this dispersed data bases to create a species list for a certain area.

11. Create suitable ecological corridors between the nature reserve and the black grouse biotopes outside the reserve without endangering infrastructures such as like wind turbines.

VNP regrets that still no measures to improve or safeguard existing ecological corridors for Black grouse were carried out by the district of Heidekreis during this period of report.

VNP asked the Council of Europe Specialist Group several times and urgently for help, but unfortunately still did not receive an answer.

12. Realize the concept of buffer zone areas with a high protection status in the neighboring areas of the nature reserve

Planning procedures by the regional nature conservation authority are going on to declare “Camp Reinsehlen” (an area west of Lüneburger Heide nature reserve) as FFH-Habitat. Camp Reinsehlen is a former British military exercise ground that contains large dry grasslands.

13. Establish a corps of rangers (Naturwacht).

National parks in Lower Saxony receive public funds to employ professional, full-time rangers. Unfortunately, there is still no public funding for a ranger service in NSG Lüneburger Heide. VNP asks the State of Lower Saxony for an equal treatment.

14. Site Management: List here any changes to the European Diploma holding site management, in relation to both terrestrial and aquatic environments (as appropriate), and in relation to staff and finances, since the last annual report was submitted to the Council of Europe. Please also indicate any unresolved difficulties that you have encountered.

The European wolf (*Canis lupus*) has shown an enormous increase in packs and individuals in recent years. 23 packs of wolves have been confirmed in Lower Saxony in 2019.

The following map shows all known packs, pairs and individuals of wolves in the state of Lower Saxony, autumn 2019. There are two packs of wolfs living permanently inside NSG Lüneburger Heide and two other packs lingering in close vicinity.

Inside and outside the nature reserve, several flocks of sheep of VNP and other private owners were attacked and several sheep were killed or injured as can be seen in the following chart

Wolves repeatedly attacked herded sheep flocks at daytime, while shepherds and their dogs were present. The shepherds were able to chase away the wolves. Nevertheless, VNP is at a loss when dealing with wolves that specialize in hunting and killing livestock.

Unfortunately, in addition to attacks on farm animals, wolves seem to lose their natural shyness. They are nowadays seen in villages and even town centers. Particular young wolves follow vehicles and even people at close distance.

The protection of farm animals against wolves required by the state of Lower Saxony (i.e. using high fencing or even guard dogs) are in many ways not feasible in protected areas and many other biotopes (e.g. bogs, wetlands, mountain pastures).

VNP sees the sustainable preservation of historic open landscapes protected throughout Europe and the species groups resident there as endangered and threatened. We strongly recommend a downgrading of the protection status for wolves in the EU and the immediate reduction of stocks in particularly vulnerable areas.

15. Boundaries:

Give details of any changes to the boundaries of the European Diploma holding site since the last annual report was submitted to the Council of Europe. If there are any changes, please attach an appropriate map to this report. Please also indicate any unresolved difficulties that you have encountered.

No changes

16. Other information:

List any other information on the Council of Europe's website that you believe should be made available to the Council of Europe.

We hereby request a timely on-the-spot check of an EU inspector to solve important and repeatedly stated problems in the nature reserve Lüneburg Heath.

The VNP wrote to the Directorate for Democratic Governance, Culture and Diversity on 11 April 2019 and submitted a "request for a mandate" to solve problems by the Section. Unfortunately, VNP has not received a positive response or acknowledgment.

We ask for timely appointment determination.

17. Please also remember to include one or two paragraphs on the use of the EDPA logo.

VNP informs about the EDPA on its homepage, please notice:

<https://www.verein-naturschutzpark.de/index.php?id=811>