

# Agriculture and Natura 2000

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## Introduction

In accordance with the idea of sustainable development, apart from the basic function, which is production of agricultural commodities, rural areas serve an important role in environmental protection, including conservation and preservation of habitats and biological diversity.

Meeting the challenges of that concept is possible thanks to integration of the environmental, economic and social policy. It triggers the necessity of treating natural resources as limited economic resources and using the natural capital in a way which would allow for retaining the functions of ecosystems in the long-term perspective. In Poland, the principle of sustainable development has even been introduced into the constitution – it was included in Article 5 of the Constitution of the Republic of Poland, and the definition of sustainable development was also entered into the Environmental Protection Act: “socio-economic development including the process of integrating political, economic and social activities which retains the natural balance and sustainability of basic natural processes in order to guarantee the possibility of satisfying the basic needs of individual communities or citizens of both the contemporary generation and the future generations.”

Farmlands in Poland constitute almost 60% of the country’s area. Most of them are arable land. Basic natural resources, such as soil and water, are used in agricultural activity. Relations between the variety of natural resources and agriculture are comprehensive and have mutual influence. At the moment, the most important problem is to achieve sustainability<sup>1</sup>.

Over the centuries, agriculture has always significantly affected the quality of natural resources and values. Even nowadays, it shapes their characteristics. Those relations have a bilateral character: the quality of natural resources determines the volume and directions of agricultural production, and farming alters the existing ecosystems, shapes the landscape and affects the quality of particular components of the environment.

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<sup>1</sup> [http://www.wodr.poznan.pl/index.php?option=com\\_k2&view=item&id=1945:rolnictwo-a-ochrona-przyrody&Itemid=660&tmpl=component&print=1](http://www.wodr.poznan.pl/index.php?option=com_k2&view=item&id=1945:rolnictwo-a-ochrona-przyrody&Itemid=660&tmpl=component&print=1)

Due to conducting agricultural activity on the territories with exceptional natural values, farmers are especially responsible for retaining their value. Many species of flora and fauna subject to conservation occur on arable lands and are connected with humid and boggy meadow habitats. Conserving such characteristics of the habitats depends on their proper use and is the condition of effective protection of valuable areas, and as a result, of retaining biological diversity. Preserving the humid or boggy character of proper farmlands is a guarantee of future support of agriculture as part of highly financed agri-environmental packages and creates the possibility of using support mechanisms within the framework of the Common Agricultural Policy of the European Union<sup>2</sup>.

In order to prevent detrimental changes in the rural natural landscape, a system of so-called agri-environmental programmes was introduced, realized as part of a long-term Rural Development Programme. Agri-environmental programmes are a form of financial support paid to farmers as compensation for income lost as a result of abandonment of intensive agricultural production in favour of actions aimed at environmental protection.

### **Rural Development Programme for 2007-2013 and Natura 2000**

One of the instruments of the Common Agricultural Policy with particular importance for shaping relations between farming and the environment is an agri-environmental programme which has direct influence on nature (mainly biological diversity and preserving landscape values), and indirect influence on sustainable development of rural areas and shaping ecological awareness of local communities.

Currently, the 2007-2013 programme is being realized. By assumption, the realization of that programme is to contribute to sustainable development of rural areas, at the same time preserving biological diversity. Within the framework of the agri-environmental programme, the most valuable sites, such as meadows, pastures or old orchards, are protected with the whole diversity of species occurring in them. The programme is designed to promote agricultural production conforming to the requirements of protection of the environment and nature.

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<sup>2</sup> I. Kaługa, *Korzyści dla rolnictwa wynikające z gospodarowania na obszarach Natura 2000*, Warszawa 2009, p. 7.

The main aim of the programme is to improve the quality of natural environment in rural areas, including preservation and restoration of the condition of the most valuable habitats by promoting sustainable management, proper use of soils and protection of waters and conservation of endangered races of farm animals and local varieties of cultivated plants.

Four axes have been defined within the framework of priority directions of supporting the EU rural areas:

**Axis 1:** Improvement of the competitiveness of the agricultural and forestry sector;

**Axis 2:** Improving the environment and the countryside;

**Axis 3:** Improvement of the quality of life in rural areas and diversification of rural economy;

**Axis 4:** Leader<sup>3</sup>.

Activities of the agri-environmental programme were divided into 8 packages, within which 41 variants were singled out.

Package 1. Sustainable farming

Package 2. Organic farming

Package 3. Extensive permanent grasslands

Package 4. Protection of endangered birds species and natural habitats outside Natura 2000 areas

Package 5. Protection of endangered birds species and natural habitats in Natura 2000 areas

Package 6. Preservation of endangered genetic plant resources in agriculture

Package 7. Maintenance of genetic resources of endangered animal species in agriculture

Package 8. Water and soil protection<sup>4</sup>.

The priority assumption of the agri-environmental programme is to promote agricultural production based on methods conforming to the requirements of protection of nature and the environment. It is the most essential activity serving the purpose of protection of natural environment and biological diversity. The programme is created individually by

<sup>3</sup> <http://funduszeue.info/programy-dla-rolnictwa/>

<sup>4</sup> *Uwarunkowania zrównoważonego rozwoju gmin objętych siecią Natura 2000 w świetle badań empirycznych*, sci. ed. A. Bołtomiuk, Warszawa 2011, p. 318.

each member state with consideration of natural and landscape values of rural areas as well as the type of farming and economic situation of farms in a given country. Direct involvement of farmers in environmental protection by means of an agri-environmental programme gives a unique, maybe the only chance of conserving biological diversity of particular regions. One of the tasks of the agri-environmental programme is to preserve biodiversity on permanent grasslands. Meadows and pasture grounds are counted among the most important semi-natural plant clusters of farmlands. They were created on post-forest habitats and are an anthropogenic (created through human activity and dependent on it) element of landscape of our country. They exist mostly thanks to systematic mowing or grazing. With homogenous and long-lasting economy, the vegetation of those habitats has obtained stable, constant and extensive species composition. Both intensification and abandonment of works on meadows and pasture grounds affect their biological diversity. Their anthropogenic origin also means they belong to the most endangered types of vegetation.

In the period of 2007-2013, the functioning of Natura 2000 network is financially supported by the EU with the use of seven instruments: LIFE+ Fund, European Regional Development Fund (ERDF), European Social Fund (EFS), European Agricultural Fund for Rural Development (EAFRD), European Fisheries Fund (EFF), Cohesion Fund and 7<sup>th</sup> Framework Programme for Research and Development (FP7).

Since the moment of establishing Polish Natura 2000 areas, the tasks related to environmental protection have been reflected in the Common Agricultural Policy. It is worth emphasizing that arable lands take up the greatest area in the territory of Poland, and their significance, also for environmental protection, is very high. Unfortunately, as a result of political and economic transformations triggering significant changes in this sector, recently the agricultural productivity has greatly decreased, and thus the traditional methods of soil cultivation and animal breeding have been abandoned. Abandonment of extensive use of meadows and pastures has significantly reduced biological diversity of the farmlands, at the same time leading to essential habitat and species changes in the areas of Natura 2000.

Protection of the areas of Natura 2000 is realized within the framework of Rural Development Programme for 2007-2013 in priority axis 2, the so-called environmental one: “Sustainable Use of Farmlands and Forests”, as one of packages of the agri-environmental programme. Package no. 5 even in its name, “Protection of endangered birds species and

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natural habitats in Natura 2000 areas”, directly refers to the European Ecological Network. It is realized in 10 variants. Its aim is to preserve the good condition of natural habitats and sanctuaries of the species referred to in EU Directives. Farmers whose lands lie within the Natura 2000 territories in fact have the possibility to use each one of the packages. Each package contains a few variants and the determined volume of subsidy is proportional to the area covered with the activities<sup>5</sup>.

Subsidizing may be an alternative for cultivation on those Natura 2000 areas where retaining or restoring extensive farming is often necessary for preservation or restoration of protected flora and fauna habitats. In this context, supporting agriculture from budget funds becomes a kind of compensation for specific services and public goods provided for the community, until recently treated as so-called positive external benefit. Currently, in Poland farmers are virtually the only social and professional group which receives quite precisely addressed financial support on account of working in the areas covered by Natura 2000.<sup>6</sup>

As part of realizing Package no. 5, the EU allocated 450 million Euros for Poland for the years 2007-2013. A beneficiary of the package may be a farmer who has a farm with the area of arable lands at least 1 ha, located within the territory of Natural 2000 network. The farmer undertakes to realize the programme for five years, in accordance with a plan of agri-environmental activity, and has to meet unpaid requirements on the whole territory of the farm. These obligations are stipulated in the Regulation of the Minister of Agriculture and Rural Development of 11<sup>th</sup> March 2010 on minimum norms<sup>7</sup>. Pursuant to the regulation, farmers are obliged to:

- practise crop rotation, which means cultivation of one type of crops on one plot not longer than three years,
- prevent erosion of soil by cultivation of plants or fallowing on arable lands, mowing or grazing on meadows and pasture grounds, as well as appropriate procedures on lands with slope over 20°,

<sup>5</sup> <http://www.wolinpn.pl/index.php?page=17&artykul=172>

<sup>6</sup> *Natura 2000 – dobro publiczne, problem prywatny*, Warszawa 2010, p. 24.

<sup>7</sup> *Europejska Sieć Ekologiczna Natura 2000 jako nowy element otoczenia polskiej wsi i rolnictwa*, ed. A. Bołtomiuk, Warszawa 2010, pp. 116-117.

- prohibit burning on arable lands,
- protect the structure of soil by cultivation with the use of equipment exerting little pressure on the soil when it is saturated with water,
- ensure the minimum maintenance level and counteract destruction of natural habitats – ecological compensation areas – by preserving forest covers and shrub covers, little ponds and baulks,
- keep order and cleanness on the farm, which necessitates having equipment for residential rubbish, protect habitats and fulfil their obligations concerning legally protected areas,
- ensure health of the crops by keeping a record of procedures with the use of crop protection chemicals, having documentation authorizing them to perform those procedures, using attested spraying machines and crop protection chemicals permitted for sale,
- ensure health of animals by documented medical treatment, not using compounds with hormonal, thyreostatic or beta-antagonistic effects,
- use and store natural and mineral fertilizers in a proper way: the dose of nitrogen in a pure natural component should not exceed  $170 \text{ kg}\cdot\text{ha}^{-1}$ , in the case of mineral fertilizers, use only ones permitted for sale,
- use sewage and sewage sludge in a proper way<sup>8</sup>.

If a farmer meets the basic, unpaid requirements, then, as a prospective beneficiary, they should prepare and draw up a plan of agri-environmental activity with the help of an agri-environmental consultant authorized to counsel as part of the 2007-1013 programme. The plan of agri-environmental activity should be drawn up in conformity to the conservation plan of a nature reserve and a national park or in conformity to a plan of conservation tasks, and in the case of the area referred to in Article 33 section 2 of the Environmental Protection Act (2004), the plan of agri-environmental activity should be approved by an applicable administrative body regarding compliance with the conservation objectives of the given protected area.

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<sup>8</sup> *Ibidem*, p. 118.

The prospective beneficiary shall be obliged to prepare environmental documentation of their farm, prepared by authorized experts (ornithologists and botanists) regarding the qualification of natural habitats or birds' nesting places. A paid environmental expert's opinion should be prepared in the spring of the year preceding the submission of application. Pursuant to the executory order to the agri-environmental programme of the Ministry of Agriculture and Rural Development, remunerations for experts are treated as transaction costs refunded on a one-off basis up to the limit of PLN 4 thousand together with the agri-environmental payment for the given variant. The amount of refund depends on the original area of the habitat on which the agri-environmental programme shall be implemented. The maximum amounts of transaction costs related to preparation of ornithological and environmental documentation including specification of the type of habitat have been established as follows: PLN 500 for a farm up to 1.00 ha, PLN 1,000 for the area of 1.01-5.00 ha, PLN 2,000 for the area of 5.01-20.00 ha, PLN 3,000 for the area of 20.01-50.00 ha, and PLN 4,000 for the area over 50.00 ha.

The payment for realization of the tasks described in detail in particular package variants, together with the transaction expenses, shall be paid out to the beneficiaries in the year occurring after the year of joining the agri-environmental programme. Therefore, a beneficiary of the programme will have to incur expenses for preparation of the plan of agri-environmental activity and the environmental expert's opinion in the year preceding the year of submitting the application for the payment. In the year of submitting the application, the farmer shall incur the costs of realization of the package. However, they will only receive the agri-environmental payment and a refund of the transaction costs or part of them in the next year after the submission of the application<sup>9</sup>.

Besides, the beneficiaries of the agri-environmental programme who implement the package should meet the requirements concerning proper management of a farm located in the territory of the Natura 2000 network. The most important principles of managing such a farm include:

1. Obligatory environmental impact assessment of the plans or drafts of potential investments with potential direct or indirect impact on the condition of Natura

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<sup>9</sup> *Ibidem*, pp. 119-120.

2000 territory, the costs of which are incurred by the investor. On the basis of that assessment, the body supervising the given area shall approve or reject the realization of the considered investment. In the case of justifying the investment with the realization of high-level goals, an environmental compensation of the negative impact of the environment should be made. The entity which realized the investment shall also incur the costs of environmental compensation.

2. Continuation of the previous way of work is the condition of retaining a given type of habitat or whole landscape complexes with which specific species of plants or animals are connected.
3. Prohibition of intensive farming accompanied by promoting extensive meadow use.
4. The obligation of retaining extensive use of permanent grasslands (grazing, mowing, folding), which prevents the processes of succession.
5. The obligation of preserving so-called co-existing biotopes, or ecological compensation lands, such as little ponds, forest covers or shrub covers.
6. The obligation of conservation and restoration of wildlife corridors, allowing for migration of animals between habitats.
7. Caring for the condition of waters, meaning prohibition of fertilizing the fields surrounding the water tank or the peat bog (100 m), prohibition of development, and obligation to keep the habitat in the present state.

Hence, farmers must accept the fact that for some enterprises realized by them on the territory of Natura 2000, e.g. land reclamation, maintenance of drainage ditches, construction of water retention equipment, afforestation, settlement development, construction of boarding houses, agritouristic farms, extension or renovation of the farm or removal of trees or shrubs, assessment of impact on the Natura 2000 area may be required<sup>10</sup>.

The chances for agriculture on the territories of Natura 2000 can be found in greater activity as regards the use of available public funds. A relatively short period of the programme's functioning must be taken into consideration. It results in the fact that farmers are only starting to realize its existence, and need to learn how to use the packages of

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<sup>10</sup> I. Kaługa, *Korzyści...*, *op. cit.*, p. 14.

agri-environmental activities. Popularization of the agri-environmental programme creates a big chance for farms on the areas of Natura 2000. It necessitates certain limitations on farming, which is compensated with payments. The amount of the payments should be based on the lost private benefits (of the farmers) but also on social valuation of ecosystems ESE N2000. The objective is for participation in realization of such a programme – usually desirable as regards farms located on the territory of Natura 2000 – to be beneficial both for the farmer and for the community. Such opportunities are also created by the development of ecological agricultural forms.

What is more, there is a high probability that the provisions of obligatory Plans of Conservation Tasks and plans of agri-environmental activity (e.g. Package 5) may overlap partially or totally, which may limit the farmers’ possibilities of applying for agri-environmental payments. It stems from the fact that as a source of publicly binding law, a Plan of Conservation Tasks includes (or, in fact, will include) orders whose observance will be obligatory for a farmer pursuant to the cross-compliance principle<sup>11</sup>. Observing that rule is, in turn, the basic condition for the farmer receiving direct payments. At the same time, pursuant to regulations concerning the principles of granting agri-environmental payments, valid up to now, the payments can only be granted to farmers for non-obligatory actions. It can be illustrated with saying that one meadow can only be mowed as part of one legal obligation. In that case, the obligation would arise out of the fact of receiving single area payments, which would exclude the possibility of applying for an agri-environmental payment on the same basis.

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<sup>11</sup> The principle of cross compliance means dependence of the received direct payments on the beneficiaries meeting particular requirements.

## Summary

Providing natural goods and public services is an undeniable value of agriculture on the territories of Natura 2000, which is reflected in transfers of funds within the framework of Common Agricultural Policy, especially in the form of payments due for Less-Favoured Areas<sup>12</sup> and agri-environmental payments. It is in favour of improvement of economic conditions of farms on those areas. The problem is, however, how to determine the level of the payments so that they would be sufficient compensation and incentive for the farmers, and at the same time ensure the fulfilment of social objectives. Establishing the payments in accordance with the “lost benefits” principle is not a sufficient guarantee that the farms on the areas of Natura 2000 will provide public goods<sup>13</sup>.

What is of key importance is also rational farming and use of space and the environment within the framework of rational plans of spatial development. In the plans, the interests of all the users of the environment must be harmonized, but it must also be remembered that the natural environment is of superior importance.

Stronger institutional support is necessary, provided by development of consultancy organizations, legal norms, education and consulting regarding the interaction of the triad of human – economy – environment. Only a holistic, comprehensive and integral attitude, combining the interests of all the parties, based on cooperation of local communities, self-government authorities and state authorities, will allow for simultaneous creation of decent life conditions on the territories covered by the European Ecological Network Natura 2000<sup>14</sup>.

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<sup>12</sup> These are areas where agricultural production is more difficult because of natural conditions; moreover, the possibility of excessive depopulation occurs there.

<sup>13</sup> *Uwarunkowania zrównoważonego rozwoju...*, *op. cit.*, p. 321.

<sup>14</sup> *Uwarunkowania zrównoważonego rozwoju...*, *op. cit.*, p. 323.

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