

[Letterhead of the Ministry of the Environment – The Nature Agency]

Memorandum

Summary of the Danish Nature Agency's memorandum on overall and general consultation responses to the draft river basin management plans

Introduction

Proposals for river basin management plans for the total 23 main water basins in Denmark were, together with the proposals for 246 Natura 2000 plans, submitted for public consultation for six months in the period from 4 October 2010 until 6 April 2011. More than 4,200 responses to the consultation request were received. The responses came from governmental authorities, regions, municipalities, interest groups, trade organisations, land owners and other private stakeholders.

Against this background and in accordance with the government platform, the Danish Nature Agency has completed the required and appropriate adjustments of the river basin management plans. Such adjustments of the river basin management plans implied that, pursuant to the provisions of s. 30 of the Danish Act on Environmental Objectives (*miljømålsloven*), a short supplementary consultation was carried out during the period from 2 December to 10 December 2011. This consultation differed from the previous consultation carried out in that, generally, only the land owners affected were subject to the consultation request.

[...]

1. Consultation process

Concurrently with the public consultation of the proposed river basin management plans, several task forces have been set up which were to qualify the basis of the final adoption of the river basin management plans.

Several responses to the consultation indicate that the consultation material is incomplete. [...]

Other responses to the consultation indicate that it is difficult to take a position on the consultation material since it is complicated, not easily accessible and lacking transparency. [...]

The importance of involving the land owners who will be affected by specific measures is emphasised, and a close dialogue with the stakeholders is called for when the river basin management plans are to be revised.

Several municipalities draw the attention to the fact that the plans only to a limited extent consider contributory proposals at the initial concept stage and that some information and data provided during the technical pre-consultation has not been corrected in the plans submitted for public consultation. In addition, information is requested as to how the contributions made by the municipalities during the pre-consultation phase have been used.

Comments by the Danish Nature Agency

[...]

In connection with the adoption of the river basin management plan, changes to the published proposals have been made in respect of watercourses, which materially affect authorities and citizens other than those who have caused the change by objection. Consequently, the Danish Nature Agency has given the relevant authorities and citizens opportunity to make statements in connection with a short supplementary consultation.

Against this background, the Danish Nature Agency is of the opinion that the consultation was carried out in accordance with the rules laid down by the Water Framework Directive, the Danish Act on Environmental Objectives and the Aarhus Convention.

The land owners who will be affected by specific measures in respect of river basin management plans have not been contacted directly in connection with the drafting of the plans, but they are expected to be involved by the relevant authority prior to any decision being made in matters of specific measures. [...]

3.3 Objectives of the watercourse initiatives

[...]

Comments by the Danish Nature Agency

[...]

Watercourses of 28,000 km were included in the draft consultation request on river basin management plans. These watercourses were chosen since the regional plans of the previous counties included such watercourses. In addition to watercourses of high natural value, the objectives of the counties also included, however, several watercourses of very limited natural value. Furthermore, the number of targeted watercourses was unevenly distributed on a national basis.

For the purpose of obtaining a more uniform basis for designating watercourses in the river basin management plans, an adjustment has been made in respect of which watercourses are specifically considered in the action programme of the river basin management plans. The adjustment implies a reduction from approx. 28,000 km to approx. 22,000 km.

The classification of watercourses as artificial and heavily modified, respectively, has been reviewed on the basis of the consultation responses, and several watercourses have been classified as artificial or heavily modified. A large part of the watercourses which could have been re-classified as artificial/heavily modified have, however, as a consequence of the above harmonisation, been omitted from the action programme of the river basin management plans. The re-classification into heavily modified watercourses has primarily concerned culverted

watercourses in which case it has been assessed that the environmental value of restoring such watercourses is limited.

[...]

On the basis of the harmonisation of the basis of targeted watercourses, re-classification and updating with new data as well as the consultation responses, the initiatives included in the river basin management plans have been adjusted to include approx. 5,300 km in which case the physical conditions must be improved.

[...]