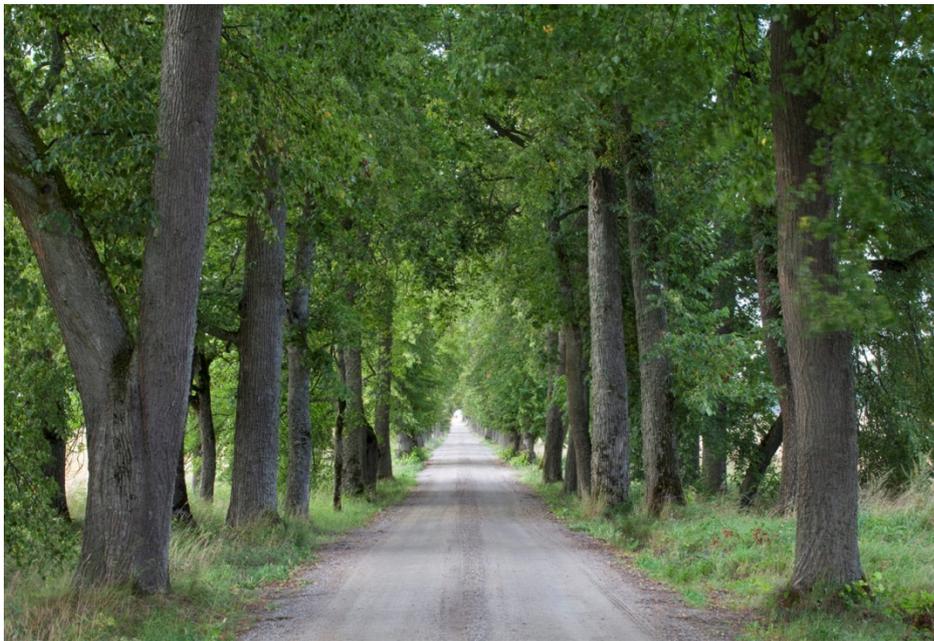


Biotope protection areas

Small areas of land and water in Sweden can be preserved as biotope protection areas. Willow banks, lines of trees and stone fences in agricultural areas are three of seven biotopes that have a permanent protection.

Here is the English summary from the Handbook on Biotope protection areas that Swedish Environmental Protection Agency has produced (2012:1 Biotopskyddsområden Naturvårdsverket 2012). (Photo: Anders Good / IBL bildbyrå)

Contact: guidance-inspection@swedishepa.se



Content

The purpose of biotope protection	3
Biotopes that are generally protected as biotope protection areas	3
Biotope protection areas that can be established on a case-to-case basis	4
Exemption from biotope protection regulations	5
Handbook on biotope protection	5

The purpose of biotope protection

A biotope protection area is a type of area protection that can be used to protect small areas of land and water (biotopes) that, due to their special properties, are valuable living environments for endangered animal and plant species, or anything else deserving of protection. The regulations that govern issues relating to biotope protection areas are contained mainly in Chapter 7, Section 11 of the Environmental Code (1998:808) and the Ordinance regarding areas protected according to the Environmental Code, etc (1998:1252).

The purpose of protecting biotopes is to provide long-term protection and improvement of natural settings that are especially valuable for animal and plant species. Biotopes may well contain structures and functions that are important for species, or which serve as places of refuge, remnant habitats, and passage routes in an otherwise homogenous or fragmented countryside. Protecting valuable natural settings as biotope protection areas or some other form of area protection, improves the probability of protecting biological diversity. This kind of protection also contributes to Swedish fulfilment of the United Nations Convention on Biological Diversity, as well as the national environmental quality objectives adopted by the Swedish Parliament. Among those objectives influenced are *Flourishing Lakes and Streams*, *A Balanced Marine Environment*, *Flourishing Coastal Areas and Archipelagos*, *Thriving Wetlands*, *A Varied Agricultural Landscape*, and *A Rich Diversity of Plant and Animal Life*.

Biotopes that are generally protected as biotope protection areas

There are two forms of biotope protection areas. One of these forms consists of types of biotopes that have been accorded general protection throughout Sweden by a decision of the Government pursuant to Section 5 of the Area Protection Ordinance. There are seven of these biotopes, and these are listed in Appendix 1 of the Ordinance. These biotopes have been placed under protection because they are important habitats, places of refuge and passage routes for plant and animal species, but have decreased sharply due to more rational land use. As these biotopes are generally protected without the need for prior consultation with the property owner involved, an important consideration has been that these should be easy to define, limit and recognize for property owners and other stakeholders.

The following biotopes are listed in Appendix 1 to the Area Protection Ordinance, and are generally protected throughout Sweden:

- Lines of trees
- Springs with surrounding wetlands in agricultural areas
- Stone piles in agricultural areas
- Willow banks

- Small watercourses and wetlands in agricultural areas
- Stone fences in agricultural areas
- Small stands of trees, bushes or rocks in the midst of a field.

Biotope protection areas that can be established on a case-to-case basis

The second form of biotope protection area consists of biotopes that a county administration, a municipality or the Swedish Forest Agency has decided, on a case-to-case basis, will constitute a biotope protection area. There are 19 biotopes that the Swedish Forest Agency may decide to protect according to Section 6 of the Area Protection Ordinance. These biotopes are listed in Appendix 2 of the Ordinance. There are 16 biotopes that a county administration may decide to protect according to Section 7 of the Area Protection Ordinance. These biotopes are listed in Appendix 3 of the Ordinance. According to Section 7 a of the Area Protection Ordinance, municipalities may decide to protect all biotopes in Appendixes 2 and 3 of the Ordinance.

The 19 biotopes listed in Appendix 2 of the Ordinance are not described here. For greater detail regarding these biotopes, please contact the Swedish Forest Agency (www.skogsstyrelsen.se).

The following biotopes are listed in Appendix 3 of the Area Protection Ordinance, and may be accorded protection by the county administration and the municipality on a case-to-case basis as biotope protection areas:

- Rich and calcareous fens in agricultural areas
- Meadows
- Natural grazing land
- Natural watercourses
- Steep rocky slopes
- Natural waterfalls and surrounding areas
- Natural rapids and surrounding areas
- Natural discharges of lakes and surrounding areas
- Mouth of a river near the sea coast
- Eye coral reef
- Natural lakes and other waters that have naturally no fish
- Completely or partially narrowed sea inlets
- Shallow sea inlets
- Eelgrass fields
- Biogenic reefs
- Shore and water environments that house a number of endangered or disadvantaged species or are of significant importance to the survival of endangered or disadvantaged species.

The establishment of a biotope protection area on a case-to-case basis differs from the establishment of a nature reserve in that the former deals with the limitation and protection of a specially identified and described biotope, while a nature reserve may contain several different biotopes. Another difference is that a biotope protection area is a form of protection that is simple from an administrative view. No maintenance plan is required from the protected area, and no regulations need to be issued for stakeholders. Instead, the prohibition stated in Chapter 7, Section 11 of the Environmental Code against operating an activity or taking other actions that can damage the natural environment in a biotope protection area applies. Biotope protection areas are normally not larger than 20 hectares.

Exemption from biotope protection regulations

If an operator of an activity plans to perform an action that can damage the natural environment in a biotope protection area, he or she must apply for an exemption from the prohibition in Chapter 7, Section 11 of the Environmental Code. The consideration of an application for an exemption can sometimes require a difficult balancing of the equities. A determination must always be made in each case, based on the specific conditions prevailing in the area concerned, as well as with a view to both the national and local perspectives. A balance must be struck between the public interest of preserving a protected biotope intact, and the private interest of implementing an exemption properly applied for. The decision-making authority may allow an exemption only if it is in accordance with the purpose of the prohibition, and any restriction of an individual's right to use land or water must not be more onerous than what is required to satisfy the purpose of the protection. In order for the purpose of the protection to be satisfied, the long-term effects of granting an exemption must be considered. The result of the balancing between the significance of the damage and the importance of the reason for taking the action that will damage the biotope, will determine, on a case-to-case basis, whether or not there is a sufficiently strong reason for grant the exemption.

Handbook on biotope protection

A handbook has been produced by the Swedish Environmental Protection Agency (Handbok 2012:1 Biotopskyddsområden). In this handbook we provide guidance for applying those regulations of the Environmental Code and related regulations that govern issues such as biotope protection areas. This handbook has two purposes. The first is to facilitate the application of biotope protection regulations so that they become more uniform. The second is to improve conditions for ensuring that small land and water areas that merit preservation will be protected with the help of the biotope protection regulations where a biotope protection area is found to be an appropriate form of protection.

Content of the handbook

In the handbook, we first briefly describe why we need to protect nature areas. We then explain the background to the creation of the regulations regarding biotope

protection areas, as well as a general description of the content of these regulations. Next comes a section that discusses the nature of the protection, the establishment of biotope protection areas, maintenance issues, the determination of applications for an exemption, compensation provisions, follow-up and supervision, as well as other relevant norms. After this comes a review of the literature and references, as well as seven appendixes containing additional information. The appendixes include models for drafting an exemption, examples of conditions in an exemption decision, as well as judgments for guidance.