

Advice on the Review of the Legal Status of the National Ecological Reserve (REN)

Abstract

Due to a request coming from the State Secretary for Spatial Planning and Cities (SEOTC), the National Council on Environment and Sustainable Development (CNADS) issued comments on the *Framing and Guidance* document aiming to serve the *Review of the Legal Status of the National Ecological Reserve*. The document under examination is a "guidance proposal for the review of the REN's legal status" and radicates in a process pre-determined in 2005 (see SEOTC Order no. 24753/2005 (2nd Series), of December 3rd).

Therefore, the Council considered that:

- Assuming that REN is an essential instrument to protect and preserve Nature, part of the Fundamental Network for Nature Preservation, according to the predicted by the "National Strategy for Nature Preservation and Biodiversity", the improvement of its functioning is not only related with the articulation with other environmental management policy and land-use planning instruments, but would also contribute to effectively clarify the national management guidelines.

- The basic aspects of the future legal framework would be: to reduce division in environmental restrictions through their interactions; to have a better technical supply, which would lend to simplify matters; and to clarify procedures in face of the intervening social partners. It would equally be relevant that these instruments for preservation and land-use benefited from the corresponding special management national plan, successively according to the rest of the management scales.

- Regarding the procedures that aim to limit the REN areas proposed in the in the "Guidelines for Review of the Legal Status of the REN", these allow to establish a coherent and even route, not only in defining the various limit levels, but also in ensuring their articulations, the training framework as initiative of the REN National Committee, including the technical staff in the various levels of Administration, aiming to normalise procedures, ensuring homogeneity in principle application and lending greater quality to opinion making.

- It would be desirable that in the Limit of the REN Areas the recommendations in the future Framework Directive for Soil protection and Framework Directive for Water (Water Law and future Basin Plans) were taken into account.

- Regarding value and management, it will be fundamental to apply the detailed rules predicted in the articulation and complement with other regimes and environment and spacial planning policies, underlining the level of the Ecological Structure (municipalities, inter-

municipalities and regional) as integrational matrix for the Fundamental Network for Nature Preservation. On the other hand, as a directed consequence of the above, namely in the prevention, continuity and information principles, it would be important to create follow-up, supervision and monitoring mechanisms to apply the REN legal framework regarding the changes derived from the on-going climate change, especially in what concerns risks (floods, coastal erosion, etc.) and aquifer recharge.

- To recommend that service scale in the municipal charts would be 1:10.000 and not 1:25.000

- A timely approval of a diploma which would take into account the spirit expressed in these Comments and where the guidance lines stated in the chart on page 17 of the document would be explicitated, as lay-out for the PDM (Municipality Planning Plan) and PROT (Regional Plan for Land-use Planning), eliminating contradictions and increasing territorial synergies and explicitly integrating administrative services. However, it is not sure that the scheduling of the evolution of the limits in the latter and, as consequence, of the implications for the proposals done, will allow reaching the goals of the PDM/PROT.