

From:

**Mr Klaus Armstrong-Braun, 8 Eaton Close, CH4 03F Clwyd, UNITED KINGDOM**

Mr Paul Speight Esq,  
Commission Européenne/European Commission  
1049 Bruxelles/Brussel,  
BELGIQUE/BELGIË -

02 January 2015

## **EU Pilot 1126/10/ENVI – Habitats species protection great crested newt**

Dear Mr Speight,

Thank you for your letter of 9<sup>th</sup> December regarding my complaint and your consultation with me regarding closure of the above Pilot 1126. I would like to remind you that the initial complaint was of systemic and total failure across the board of great crested newt protection in the United Kingdom and prevention of continued rapid decline of this important species and its habitat.

I make the following observations in objection to the closure.

### 1.1

Our understanding in 2010 was that in starting with *Surveillance* issues, matters would be put in hand promptly. Instead we have had four and a half years with very little to show for it other than admittance that it will take another five years to make any progress. This is truly unacceptable because that factors causing decline remain largely unaddressed.

### 1.2

The lack of progress with the Pilot is well documented in the 6-monthly reports and our responses. Over the period, a range of undertakings have been alluded to by the UK but no or very little results have been shown. We are now surrendering to a process that says 10 years after the complaint there may be some clarifications – this is ridiculous response. In our view the basic matters could be addressed in 6 months:

- Agree a national baseline between experts with reference to the issues given in the complaint
- Establish responsibilities of local authorities towards surveillance, especially District authorities
- Make a real attempt to include GCN conservation including surveillance into agri-incentives

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### 1.3

The PondNET project is a tiny event of very small significance and is funded to the extent of one annual farm payment to a small landowner. Handing the job to the public as volunteers has been shown to fail time after time. We have had such volunteer projects under-perform and simply stubbed out after 3 years many times and the record shows that such multi-objectives projects are in fact a hallmark of the road to failure. This project appears hung on the control of Introduced Species 'hook', because anything that looks like conservation has already been shut down as a low priority.

### 1.4

PondNET is in-fact a monitoring project and not surveillance at all in its design and the scheme has a range of agendas where the GCN need is heavily diluted. Its methodology is unclear and looks controversial. As such it contributes a tiny amount to the response required, both financially and in terms of real need to address the problems.

### 1.5

Closure of the Pilot, as opposed to continuation of it and escalation to encompass the other areas of gross deficiency, in effect accepts that the 2015 recovery targets for GCN are torn up, that the UK can sit on its hands for another five years on all matters and that the commission is not able to apply any leverage on the UK on any aspect of avoidance of the Directive by a Member State.

### 1.6

I and others who have worked so hard for decades on exposing the shortfalls of the 2010 targets cannot believe that 20 years of decline since the Directive is acceptable, we have lost a further estimated 3% of the species since the Pilot started and pond and GCN conservation in the UK has ground to an almost complete halt. It will have declined by and estimated further 5% by 2019. Each 1% loss represents a huge financial investment to recover and we estimate the UK to be allowing in the range of £4 million of damage to be occurring to GCN habitats and avoiding 5.7 Million of recovery required each year, a bill approaching £10 million per year that is growing and adding to the neglect of the 2000-2010 period.

### 1.7

This leave me with a sense that there has not been a procedure giving justice to myself or the environment and that the process has failed, largely due to the UK management authority not taking the process seriously enough to admit past failures, communicate properly or to stick by commitments. There appears to have been a 'stringing you along' approach by the UK and now the commission is considering, in effect rewarding this behaviour.

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I strongly advise that the Commission rejects the UK's response and continues to hold the Compliant open until the end of 2015 so that a change in government can bring about a better response to the current wholly inadequate response of the UK government.

This matter is deeply concerning and of course of wider public interest.

Yours sincerely,

*Klaus Armstrong- Braun*

Klaus Armstrong- Braun

Complainant

<b>Timeline</b>	<b>Activity</b>
July 2010	Compliant registered following 2009 technical complaint document
2011	Little activity – undertaking to establish a formal contact point to establish a basis for negotiation and exchange of views; Paul Edgar of Natural England appointed for liaison. Undertaking to establish a Task Force.
2012	Paul Edgar denied membership of Task Force.
2013	£2.7 Million 3-year surveillance programme announced, spending £700,000 on 'new approach' in 2013.
2014	<p>£2.7 Million programme cancelled.</p> <p>Indication that surveillance information cannot be achieved until 2019.</p> <p>Request on 30 June 2014 following formal report on failure of mitigation and compensation schemes for GCN for derogations and licensing enforcement shortfalls be added to the existing Pilot or set up as an additional Pilot as it was a main part of the 2010 complaint.</p> <p>UK suggests small scale PondNET project is some form of contribution and tells Commission it is all that it can do under austerity cut backs, deferring outcome until 2019.</p> <p>Proposal by EU to close Pilot 1126.</p>
2015	Request by complainant to keep Pilot running