

## The integration of the protection of nature conservation areas in Dutch spatial planning law and environmental management law

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### Abstract

An important question concerning the protection of designated areas in Dutch environmental law is the extent to which area protection plays a part in other fields of Dutch law. The question of integrating the protection of nature reserves as regulated in the Dutch Nature Conservation Act 1998, which is the focus of this contribution, is particularly important where the Dutch Environmental Management Act and the Dutch Spatial Planning Act are concerned; both Acts regulate activities which are – or can be – of great significance in the protection of nature reserves. Also important is the question whether European and international law facilitates integration. The three Acts mentioned all contain provisions and procedures which aim at or at least facilitate the coordination or integration of the protection of nature reserves with other interests, albeit in different ways and on different levels. However, as will be shown from a discussion of the relevant parts of the Acts, current national law is such that a substantive integration of the protection of nature reserves in the fields of environmental management law and spatial planning law is difficult, if not impossible, due largely to the so-called speciality principle and the mainly sectoral approach of the legislator. The coming Dutch Environmental Licensing (General Provisions) Act will not change this. The influence of international law is also limited and the structure of and the developments in European environmental law do not support national attempts at integration.

To achieve full, or fuller, integration in the field of environmental law, the sectoral approach will have to be abandoned and the impediment that the speciality principle now represents would have to be removed. This would certainly lead to a less absolute protection of ecological values. However, abandoning the 'all-or-nothing' approach could on balance lead to a greater degree of protection of the physical living surroundings.

### Keywords

integration; coordination; spatial planning; environmental law; European law; area protection; nature conservation

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