

PROTECTION OF BIODIVERSITY

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Abstract

The protection of Biodiversity, the variety and variability of living organisms and the ecological systems where they live is an imperative that must be respected, as enshrined by Italian Constitution, the UN Convention on Biological Diversity (CBD), the Birds Directive and the EU Habitats Directive. - Special Areas of Conservation (SAC) and Special Protection Areas (SPA). It cannot be circumvented, at a local and national level, by entrepreneurial and economic activities that do not respect this imperative, as highlighted in this article about the specific case of the 'NTC' (Nardò Technical Centre- Porsche Engineering) runway extension and other similar cases of less relevance. At the local level, Italia Nostra Sud Salento has been engaged for several years in actions, including legal ones, to protect Biodiversity, the environment not only natural but also social, historical, and artistic as a fundamental unicum for the survival of man and all living organisms.

Keywords

Biodiversity, Italia Nostra Sud Salento, Protection of Biodiversity, Convention on Biological Diversity (CBD), Habitats Directive, Special Areas of Conservation, Special Protection Areas, Birds Directive, Nardò Technical Center (NTC) track.

1. Biodiversity and protection

The UN (United Nations) "Convention on Biological Diversity" defines biodiversity as the variety and variability of living organisms and the ecological systems where they live, emphasising the inclusion of genetic, species and ecosystem diversity at all levels.

Therefore, Biodiversity is the richness of life on earth: plants, animals and microorganisms, the genes they contain, and the complex ecosystems they constitute in the biosphere.

This variety not only concerns the form and structure of living beings, but also includes diversity in the sense of abundance, distribution, and interaction between the different components of the system.

The diversity of life forms is the essence of biodiversity, as the diversity of the ecosystems where different organisms live and evolve, the diversity of species and their frequency or rarity in an area, but also genetic diversity, i.e. the individual and overall genetic make-up of living organisms.

Biodiversity can be said to represent the number, variety and variability of living organisms and how these may change from one environment to another and over time. In other words, within ecosystems, both living beings and physical and

inorganic components coexist and interact, influencing each other.

Unfortunately, the loss of Biodiversity is proceeding with unprecedented speed, intensifying the rate of species extinction, mainly due to habitat destruction and climate change.

As a counter measure to limit the loss of Biodiversity, the international community adopted the "Convention on Biological Diversity (CBD)" in 1992. The CBD has three main objectives: the conservation of biodiversity on a global scale, the sustainable and sustainable use of its components, and the equitable distribution of goods and services derived from it.

The European Union also pursues policies on nature conservation and biodiversity with two key directives: the "Birds Directive" (79/409/EEC) on the protection of wild birds (formally known as Council Directive 2009/147/EC on the conservation of wild birds) and the "Habitat Directive" (92/43/EEC) on the conservation of natural and semi-natural habitats and wild flora and fauna.

One of the specific objectives of the Habitats Directive is the creation of a coherent European ecological network, called "Natura 2000 Network", consisting of "Special Areas of Conservation (SACs)" and "Special Protection Areas (SPAs)".

Moreover, in Italy, the protection of the environment, biodiversity and ecosystems has become a constitutional principle with the integration of Articles 9 and 41 of the Constitution and the entry into force (on 9 March 2022) of the Constitutional Law of 11 February 2022.

2. *Italia Nostra South Salento and the Protection of Biodiversity*

Italia Nostra Sud Salento has been engaged in actions, including legal ones, for several years, and with the aim to protect Biodiversity, natural, social, historical, and artistic environment, as a fundamental *unicum* for the survival of man and all living organisms.

At a local level, in the Salento region, one of the initiatives against these objectives is the project to extend the “NTC” Porsche racetrack in Nardò (Nardò Technical Center - Porsche Engineering, Italy), that contemplates a series of interventions including nine runways, several technical and administrative buildings, a canteen, a large car park, a logistics and maintenance center, a service station and other works (including a heliport a medical center and the upgrading of the fire-fighting service) designed to circumvent the “Habitat Directive”. This directive allows the destruction of priority habitats for imperative reasons of overriding public interest relating to human health or public safety, and only if there are no possible alternative solutions.

In fact, the planned interventions affect the Special Area of Conservation “Palude del Conte e Dune di Punta Prosciutto”, located in the Municipalities of Nardò and Porto Cesareo (Lecce, Italy), an area of significant environmental value that, as stated in the documents of the same Porsche ‘NTC’, sees the presence of a *priority habitat* in the sub-steppe area and of the *habitat* “*Quercus ilex forests: holm oak woods*” that “*have almost completely disappeared in the Salento area. The same nucleus of holm oak mosaics present within the Porsche property constitute the last relict of this habitat in the Salento along with other small nuclei located in the neighboring areas*”.

It is clear that this is a particularly valuable ecosystem with rare botanical species included in the “Red List”, important animal species and the presence of considerable extensions of forest, scrub, garrigue and steppe.

In this important and complex *habitat*, again as shown by the documentation of the “NTC” itself, it is planned the uprooting of over 400,000 square

metres of forest (ha 40.5), over one and a half million square meters (ha 165.5) of other wooded areas and over 70,000 square meters (ha 7.3) of steppe *habitat*, a priority species that cannot and must not be destroyed.

“Italia Nostra” and numerous other associations are not against the modernization of the Porsche ‘NTC’ plant, but they are not in favor of the project as it has been framed. The derogation procedure on habitat protection adopted by the Apulia Region, as one of the necessary conditions, lacks key prerequisite, since the intervention could be carried out without affecting the protected vegetation and with less land consumption.

These arguments were illustrated by the Association at the Apulia Region hearing, highlighting the lack of an adequate examination of alternative locations. This deficiency is a fundamental prerequisite in the case of proven habitat damage, together with the fault of opinion expressed in the Environmental Impact Assessment, due to the lack of knowledge of the key elements such as the size of the biomass eradicated.

At Italia Nostra's request, the competent European Commission has reopened the approval procedure for the “NTC” project in Nardò, ruling out the public interest grounds and asking the Italian authorities for clarifications: “*since it is an intervention that negatively affects community habitats*”.

The President of the Region, at the request of the Ministry of the Environment, had to suspend the program agreement to extend the runway and, when the six-month suspension period expired, renewed it.

Italia Nostra and various committees and associations raised an appeal to the TAR (Regional Administrative Court) against the regional program agreement.

Moreover, the European Commission pointed out that, with reference to infringement procedure 2015/2163, which also concerned all 80 SACs in Apulia, “*the conservation objectives necessary for the protection envisaged by the Habitats Directive had not yet been defined and adopted*”.

The Regional Council preliminarily adopted only the site specific regulations for this SACs, clearly stating that this approach would allow the quickest possible assessment of the “NTC” project, which impacts precisely on those *habitats*, leaving aside the need to provide more protection for all



Fig. 1: Macchia mediterranea: broom, wild olive trees, cistus (Photo GrIG).



Fig. 2: Nardò, Porsche “NTC” test track (GrIG).

the 80 Apulian SACs (subject to infringement) and for which technical services were contracted for the acquisition of data. This decision led to the lack of an overall picture to assess the consistency of habitats in the overall regional context as necessary.

Italia Nostra and other associations raised observations that still highlight the violation of EU principles due to the failure to indicate and assess numerous species of flora and fauna present in the area (which are mandatory because they are provided for in “Annex I” of the “Birds Directive”

and “Annex II” of the “Habitats Directive”) and the lack of indication of the relationship between *habitat* and animal species, both with respect to resident and migratory fauna.

As far as the pseudo-steppe and holm oak forest habitats are concerned, the criteria proposed in the Resolution overlooked the European Commission's assessment of the “NTC” project, which highlighted that both *habitats* “are in a poor state of conservation and need surface increases”, thus making the choice of “maintaining the current surface area” contained in the adopted criteria insufficient.

Another relevant element, neither indicated nor taken into consideration by the proposed criteria, is the impact and consequences of previous track construction interventions, occurred between 2006 (Determination no. 508/2006) and 2012, that affected and compromised in different means the habitats for an area of 350 hectares with the obligation of renaturalisation. There is no trace of these interventions and their effects in the conservation measures in this DGR 971/2024.

In addition, the measures adopted in the Resolution in question, while pointing out in perspective among the elements of pressure on the forest that: “the most significant phenomena of ecological fragmentation are linked to the presence of the ‘NTC’ circuit” and the danger deriving from the area affected by the extension of the infrastructures, however, they contradictorily consider that currently the impact is low.

In actual fact, the entire wooded area, consisting of a broad mosaic of holm oak woodland and evolved scrubland, whose uniqueness is one of the main reasons for the establishment of the protected area, is not adequately known and assessed even though it is a centuries-old forest and impenetrable scrubland, with a rich biodiversity of over 420 species of flora, while it is not considered that its isolation has certainly generated ecotypes worthy of protection.

On the contrary, unreasonably and in the absence of adequate studies and in-depth investigations, with the planned conservation measures, the Council's resolution demotes the collection of data to the drafting of the ‘Forest Management Plan for the Macchie di Arneo’, whose implementation and management for the next 10 years is assigned to Porsche “NTC”.

First, it should be noted that the conservation measures are provided for by art. 6.1 of the

Directive for the ecological needs of the natural habitat types present in the sites.

The realisation and implementation of the Arneo scrubland forest management plan must be envisaged for knowledge and conservation purposes only and cannot be entrusted to ‘NTC’, a party with a counter interest in favouring industrial transformation with a negative impact on *habitats*.

It is worth mentioning that, in the European Commission's communication on the Region's file and for which the project has been suspended, it is pointed out that: “in reality, the negative impacts on *habitats* 6220 and 9340 derive directly from the work of extending the test tracks in the “NTC” intervention area, which cannot be considered as reasons of public health or public safety”.

The Southern Salento Section of Italia Nostra believes that the ‘NTC’ Porsche issue should also be analysed in the context of the environmental situation in the province of Lecce, which, in addition to the serious problem of olive tree desiccation, has the lowest percentage of wooded areas in Italy and the highest percentage of soil consumption, a significant and progressive process of desertification and the pressing problem of fires.

Therefore, it is absolutely unsustainable to uproot any strip of natural area, which instead, by applying EU regulations, must be protected and enhanced by implementing reforestation, agro-environmental rehabilitation and renaturalisation projects, the only actions that the institutions - starting with the Apulia Region - must implement to restore the livability of an area that, also due to these critical issues, is suffering growing and significant economic and social degradation.

With this in mind, in addition to this emergency, which constitutes a serious threat to the Salento's environmental biodiversity, Italia Nostra's South Salento section has dealt with and continues to deal with numerous other issues concerning the protection of natural *habitats*.

It should be clear that the natural and landscape *habitat* is closely linked to the social, historical and artistic *habitat*, constituting a representative *unicum* of our millenary civilization. Instead, it becomes too often the subject of propaganda for tourism or speculative purposes, and it is less and less protected, even by local and national Institutions.

Recently, there has been a motivated opposition to large anaerobic waste digestion

plants to produce biomethane because they are incompatible with the environmental, landscape, social and economic criteria essential for our territory.

In addition to the massive occupation of agricultural land, the projects require a considerable influx of biomass of various kinds, not only agricultural but also livestock or agro-industrial, sourced even outside our territory. This is in violation of circular economy principles that call for small plants to use local organic by-products not to produce energy but compost to fertilize the land.

The excessive spread of very large photovoltaic plants and wind turbines of disproportionate height on the territory cause similar problems of agricultural soil depletion and landscape distortion. Therefore, Italia Nostra is following with justified observations the work on the elaboration of the regional law to identify suitable areas to host plants for the production of alternative energies.

There are other actions concerning the protection of the dune belts, often damaged by cars and people, compromising their structure, fundamental for the defense of the marine environment and the land behind, as much as the vegetation, key to the accumulation of sand, and also the fauna of birds and reptiles.

The same applies to actions to protect the forests and, above all, the coastal pine forests, damaged by motorists looking for parking slots close to the beach, with the risk of spreading devastating fires.

Italia Nostra recently carried out a documented survey of the green areas in the cemeteries within the province. The green areas have been impoverished over time and even disappeared to make way for more economically profitable niches, forgetting Foscolo's verses "*In the shade of the cypresses and inside the urns...*". Indeed, cemetery green areas have always been part of the urban habitat *that* should be preserved and maintained by the community and Institutions.

The "landscape of stones", with its dry-stone walls and small constructions is certainly worth protecting. In addition to being a historical and cultural testimony to our rurality, present a biodiversity made up of plants and small animals that have adapted to a particularly arid environment,

Italia Nostra, with conferences and prestigious publications, continues to oppose the abandonment, degradation, and devastation of this *habitat*, which should not be considered minor.

Well known, because it is more evident, the Salento's defense system, consisting not only of great works such as city walls and castles, but also of coastal towers, fortified farms, and tower-houses.

Also for the protection of this historical, artistic and architectural heritage, which is very often poorly preserved, Italia Nostra organises conferences and promotes studies and publications to urge its proper restoration and use.

Moreover, to remain on the subject, we must remember that man is also part of biodiversity, we must take an interest in man's activities and works and their impact not only on the ecosystem, but also on the complex physical, social and economic environment where we coexist together with all living organisms.

This is why Italia Nostra is often wary of valorisation projects, which very often involve the distortion and mystification of natural environments or artefacts to be protected for mere economic and speculative interests.

If it is true that *habitats* are subject to change and even degradation with the passage of time and due to human action, but it is everyone's duty to work to ensure that this common heritage is preserved, cared for and even restored so that it can continue to be used, provided it is done in a culturally and scientifically correct manner, without distortion and speculation.

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