

Nature Conservation Designations

Quick Guide

April 2012

Introduction

In January 2012 the Welsh Government launched a consultation document 'Sustaining a Living Wales – A Green Paper on a new approach to natural resource management in Wales'. The Green Paper discusses the relative role of designations in the proposed new approach to natural resource management. This quick guide provides an introduction to current statutory nature conservation designations in Wales.

What legislation governs nature conservation designations in Wales?

Four EU directives¹ obligate the UK and devolved Governments to protect animals and habitats of nature conservation importance, terrestrial ecosystem water sources and to ensure sustainable management of the marine environment. International commitments, notably those from the Convention on Biological Diversity and the Convention on Wetlands of International Importance (also known as the Ramsar convention) further introduce duties on Governments to halt biodiversity loss and protect wetland sites that are of nature conservation importance².

These international commitments provide a consistent framework across the European and/or International arena for the conservation and management of important species and habitats. They set out broad **objectives for the designation and protection of sites that contain this important wildlife and** Member States have a legal obligation to fulfil these objectives for those species and habitats that are listed within the four EU Directives. The **mechanism by which this is achieved is determined by the national policy of each Member State**³. In the UK, several pieces of legislation fill this role.

These are:

- National Parks and Access to the Countryside Act 1949;
- Wildlife and Countryside Act 1981;
- Countryside and Rights of Way Act 2000;
- Natural Environment and Rural Communities Act 2006; and
- Marine and Coastal Access Act 2009⁴.

¹ Directive 2009/147/EC on the Conservation of Wild Birds; Directive 94/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora; Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 Establishing a Framework for Community Action in the field of Water Policy; and Directive 2008/56/EC on establishing a framework for community action in the field of marine environmental policy.

² Joint Nature Conservation Committee, *Protected Sites Designations Directory* [accessed 20 March 2012].

³ Joint Nature Conservation Committee, *EC Birds Directive* [accessed 22 March 2012].

⁴ NatureNet, *The History of Conservation Legislation in the UK* [accessed 20 March 2012].

What nature conservation designations apply in Wales?

International Designations

There are four statutory nature conservation designations that fulfil international objectives:

- **Special Protection Areas (SPA)** – designated under the EU Birds Directive these are the most important areas in Europe for rare and migratory birds;
- **Special Areas of Conservation (SAC)** – designated under the EU Habitats Directive these are the most important areas in Europe for habitats and non-bird species' listed in the Directive as being of European importance;
- **Ramsar sites** – designated under the Ramsar Convention, these are the most important areas for wildfowl and/or wetland ecosystems; and
- **Biosphere Reserves** – designated by UNESCO⁵, these are terrestrial and coastal ecosystems that promote solutions to reconcile the conservation of biodiversity with its sustainable use.

SPAs and SACs can apply to terrestrial areas as well as marine areas that sit within and outside of the 12 nautical mile boundary of UK terrestrial waters. Designation powers for terrestrial land and waters are provided within the **Conservation (Natural Habitats, &c) Regulations 1994** whilst designation powers for sites outside of territorial waters are provided within the **Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007**⁶.

The **Natura 2000** network encompasses all SPA and SAC sites across Europe for the protection of habitats, animal and plant species⁷.

National Designations

National statutory designations are divided into two categories: those for protecting landscapes; and those for protecting habitats and wildlife⁸.

Landscape designations:

- **Areas of Outstanding Natural Beauty (AONB)** – sites of natural beauty which involve wildlife, physical geographic features and/or cultural heritage as well as landscape and scenery; and
- **National Parks** – sites of landscape importance that promote public enjoyment⁹.

Wildlife and habitat designations:

- **Sites of Special Scientific Interest (SSSI)** – best example areas in the UK for species, habitats, geology or physical

⁵ United Nations Educational, Scientific and Cultural Organisation.

⁶ NatureNet, **The History of Conservation Legislation in the UK** [accessed 20 March 2012].

⁷ Joint Nature Conservation Committee, **European Legislation** [accessed 22 March 2012].

⁸ Countryside Council for Wales, **Special Landscapes and Sites** [accessed 20 March 2012].

⁹ More information on these landscape designations can be found in: National Assembly for Wales Research Service, **National Parks and AONBs in Wales**, May 2011 [hard copy].

geographic features;

- **National Nature Reserves** (NNR) – nationally important natural and semi-natural terrestrial and coastal ecosystems;
- **Local Nature Reserves** (LNR) – locally important natural and semi-natural terrestrial and coastal ecosystems; and
- **Marine Conservation Zones** (MCZ) – nationally important marine wildlife, habitats, geology and geomorphology.

Nature Reserves (both local and national) are designated under the *National Parks and Access to Countryside Act 1949*, with further provision included in the *Wildlife and Countryside Act 1981*. Marine Conservation Zones are designated under the *Marine and Coastal Access Act 2009*¹⁰.

Sites designated as a SSSI come under the legal framework provided by the *Wildlife and Countryside Act 1981*, with further provision included in the *Countryside and Rights of Way Act 2000*. These sites can extend into inter-tidal waters and together with MCZs, SPAs, SACs and Ramsar sites contribute to a network of sites across the UK known as **Marine Protected Areas** (MPA).

How much land and sea is subject to designations in Wales?

The Countryside Council for Wales (CCW) states that around **30 per cent of the land and sea in Wales** is subject to at least one nature conservation designation¹¹.

Of the internationally designated sites, Wales has **92 SACs, 20 SPAs, 10 Ramsar sites** and a **single Biosphere Reserve** covering the Dyfi estuary and surrounding areas.

Of nationally designated sites, Wales has **three National Parks**, which alone make up approximately 20 per cent of the landmass of Wales, **five AONBs** and **134 Nature Reserves**: 72 NNRs and 62 LNRs. Around **12 per cent of Wales is designated as a SSSI**, encompassing over 1000 individual sites¹².

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¹⁰ Joint Nature Conservation Committee, *Protected sites designations directory* [accessed 22 March 2012].

¹¹ Countryside Council for Wales, *Special Landscape and Sites* [accessed 22 March 2012].

¹² *ibid*

¹³ Countryside Council for Wales, *Special Landscape and Sites* [accessed 22 March 2012].

How are designated sites protected in Wales?

Sites that are **designated under international and European requirements do not automatically receive protection under domestic legislation** as Member States are responsible for deciding how to implement these requirements nationally. In order to ensure that internationally designated sites receive the same level of protection as national sites, they are normally **also designated as a site of national importance**.

In Wales, as in the rest of the UK, international sites are normally **underpinned by a SSSI** designation. This means that all Ramsar sites, SPAs, SACs and Biosphere Reserves in Wales are also designated as SSSIs.

National designations provide different levels of protection. Those with less levels of specific nature conservation protection, such as National Parks, AONBS and Nature Reserves, can also be designated (in full or in part) as a SSSI, granting these areas the additional legal protection that the SSSI designation provides.

What are SSSIs and how are they managed?

SSSIs are the most common designation used across Wales. SSSIs can vary greatly in their notifiable features¹⁵, their size and their ownership. Sites may be terrestrial sites, freshwater sites or coastal sites¹⁶ and may be owned by individual landowners, conservation organisations, public bodies or the Government.

The **CCW is responsible for identifying and designating suitable sites as SSSIs** and has **ultimate responsibility for ensuring appropriate management of all SSSIs** in Wales. All SSSI sites must have a **citation document** describing the site, showing its boundaries and stating why it has been designated¹⁷. All SSSI sites also have a list of **Operations Likely to cause Damage (OLDs)**. Activities that are included in the OLD **require consent** to be issued from CCW, which must be requested from the owner/occupier of the site before the activity can be carried out.

The legal framework provided by UK legislation **protects SSSI sites from damage** by OLDs¹⁸. Within this framework, all Local Planning Authorities are required to protect SSSI sites within their development plans and to consult the CCW about any planning applications that may impact upon a site.

All SSSI sites, including those that are owned by individual landowners, are required to be effectively managed, usually through a voluntary agreement between the landowner or occupier and CCW. More formal and legal methods to enforce positive management of sites can be employed should any site suffer from neglect or lack of positive management¹⁹.

¹⁴ *ibid*

¹⁵ The features for which the site is designated a SSSI.

¹⁶ Mean Low Water is the average low water height of each tidal day, calculated over a specific period of time.

¹⁷ NatureNet, *Sites of special scientific interest* [accessed 23 March 2012].

¹⁸ Countryside Council for Wales, *Sites of Special Scientific Interest* [accessed 22 March 2012].

¹⁹ Countryside Council for Wales, *Enforcement on SSSIs* [accessed 23 March 2012].

Further information

For further information on about **Nature Conservation Designations**, please contact **Nia Seaton** (nia.seaton@wales.gov.uk), Research Service.

See also:

- **Countryside Council for Wales**
- **Joint Nature Conservation Committee**
- **NatureNet**

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