

**PLANNING GUIDANCE (WALES)**

**TECHNICAL ADVICE NOTE (WALES) 5**

**NATURE CONSERVATION  
AND PLANNING**



Welsh Office

£5.00

November 1996

This document is one of a series of Technical Advice Notes (Wales) (TANs) which supplement "Planning Guidance (Wales): Planning Policy".

Further information is available from the Planning Division, Welsh Office, Cathays Park, Cardiff, CF1 3NQ or by telephoning (01222) 823585.

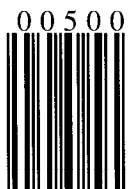
**Further copies of this note are available from:**

Y Llyfrfa Oriol The Stationery Office  
The Friary, Cardiff CF1 4AA  
01222 395548 Fax 01222 384347

ISBN 0 7504 2173 8

© Crown copyright 1996  
First Published 1996

ISBN 0-7504-2173-8



9 780750 421737

---

# Contents

---

	<i>Paragraph Number</i>
<b>Introduction</b> .....	1
<b>Development Plans</b> .....	4
<b>Development Control for Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)</b>	
- Classification of SPAs and Designation of SACs .....	6
- Consideration of Development Proposals affecting SPAs and SACs .....	8
- Development affecting SPAs and SACs .....	12
- Local Authority and Crown development affecting SPAs and SACs .....	14
- Permitted Development Rights: SPAs and SACs .....	15
- Unauthorised developments affecting SPAs and SACs .....	19
<b>Sites of Special Scientific Interest (SSSIs)</b> .....	21
- Consultation Areas around Sites of Special Scientific Interest .....	22
- Permitted Development Rights for Recreational Activities .....	24
<b>Local Nature Reserves</b> .....	26
<b>Nature Conservation outside Statutorily Designated Sites</b> .....	28
<b>Protection of Species</b> .....	30
<b>Commons and Greens</b> .....	33
<b>Cancellations</b> .....	34
<b>Map and Tables</b>	
<b>Statutory Framework for Nature Conservation</b> .....	<i>Annex A</i>
<b>Sites Statutorily Designated for Nature Conservation</b> .....	<i>Annex B</i>
<b>Designated Sites</b> .....	<i>Annex C</i>
<b>Countryside Council for Wales</b> .....	<i>Annex D</i>

## Introduction

1. This Technical Advice Note (Wales) (TAN) should be read in conjunction with "Planning Guidance (Wales): Planning Policy". Planning Guidance, Technical Advice Notes and circulars should be taken into account by local planning authorities in Wales in the preparation of development plans. They may be material to decisions on individual planning applications and will be taken into account by the Secretary of State and his Inspectors in the determination of called-in planning applications and appeals.
2. Documents listed in the Reference column in the margin provide information which should be read in conjunction with the TAN.
3. The statutory framework for nature conservation is given in Annex A and descriptions of the various types of sites designated for their nature conservation value are at Annexes B & C.

## Development Plans

4. To ensure that development plans are based on adequate information about geology, landform, habitats and species, nature conservation issues should be included in surveys of local authority areas. Nature conservation policies in development plans should indicate the criteria against which a development will be judged, having regard to the relative significance of international, national and local designations. The plan proposals map should identify the areas to which these policies apply.
5. Local authorities have an important role in delivering biodiversity objectives at a local level. Local Biodiversity Action Plans and Local Agenda 21 Plans can inform development plan preparation and development plan policies may help to maintain or enhance biodiversity.

*Planning Guidance (Wales): Planning Policy, 1996, paragraphs 95-113*

*Town & Country Planning Act, 1990, Section 11 and 30*

*Government response to the UK Steering Group Report on Biodiversity Cm 3260, HMSO, 1996*

## Development Control for Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)

### Classification of SPAs and Designation of SACs <sup>(1)</sup>

6. When consultations take place in preparation for classification of an SPA or designation of an SAC, local planning authorities will be asked to consider all extant planning permissions which may affect the proposed area (i.e. those permissions which have not been implemented at all, and those which have not been completely implemented). They should consider for each whether the implementation of that permission would have a significant effect on the ecological value of the site. If it would, they should say so in their response to the consultation.

*EC Directive on Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC)*

*EC Directive on the Conservation of Wild Birds (79/409/EEC)*

---

<sup>(1)</sup> For the purpose of considering development proposals affecting them, potential SPAs, candidate SACs/Sites of Community Importance and listed Ramsar sites should be treated in the same way as designated SPAs and SACs (see 'Planning Guidance (Wales): Planning Policy', 1996, paragraph 108).

*Reference*

---

7. Local planning authorities are required to review extant planning permissions <sup>(1)</sup> which are likely to have a significant effect on the site, either individually or in combination with other development. This requirement applies to:

- existing SPAs;
- future SPAs when they are classified; and
- SACs when the Government and the European Commission agree the site as a Site of Community Importance to be designated as an SAC. Local authorities will be notified when sites are agreed.

*Conservation  
(Natural Habitats,  
& c.) Regulations,  
1994, (the Habitats  
Regulations),  
(SI No 1994/2716),  
Regulations 50, 51  
55 and 56*

### Consideration of Development Proposals affecting SPAs and SACs

8. Local authorities must review permissions as soon as is reasonably practicable. They should have identified any relevant permissions during the consultations referred to in paragraph 6 above. The review will need to ascertain whether implementation of any permission which is likely to have a significant effect on the site, and is not directly connected with or necessary to its management would adversely affect its integrity <sup>(2)</sup>. The Countryside Council for Wales (CCW) will advise on individual cases. If the integrity of the site would be adversely affected, and if the permission does not fulfil the conditions under which a new development proposal affecting the site would be approved then the authority must take appropriate action to remove the potential for harm, unless there is no likelihood of the development being carried out or continued.

9. If local authorities consider that planning obligations restricting or regulating the use of the land would safeguard the integrity of the site they must invite those concerned to enter into them. Otherwise they must modify or revoke the permission, or make a discontinuance order. They should also take such action if a developer proceeds with damaging development while they are endeavouring to secure a planning obligation. Modification, revocation or discontinuance orders take effect when served. They must however be confirmed by the Secretary of State. Where compensation is payable, the authority must refer the amount to the Lands Tribunal unless the Secretary of State indicates otherwise.

*Habitats  
Regulations 1994,  
Regulation 57*

*Habitats  
Regulations 1994,  
Regulation 59*

10. Authorisations, i) under the Environmental Protection Act 1990 granted by the Environment Agency (previously Her Majesty's Inspectorate of Pollution) for integrated pollution control and by local authorities for air pollution control; ii) of waste management licences under the 1990 Act granted by the Environment Agency; and iii) of water discharge consents under the Water Resources Act 1991 granted by the Environment Agency (previously the National Rivers Authority) must be reviewed. If in reviewing a planning permission local planning authorities consider that action falls to be taken under regulations 83, 84 or 85 they should inform the relevant authority. They should only exercise planning powers under regulation 56 if powers under the other regimes are not available or could not achieve what is required. In carrying out reviews and in exercising their own powers local planning authorities should ensure that the action to be taken should be the least onerous to those affected.

*Habitats  
Regulations 1994,  
Regulations 83, 84,  
85 and 86*

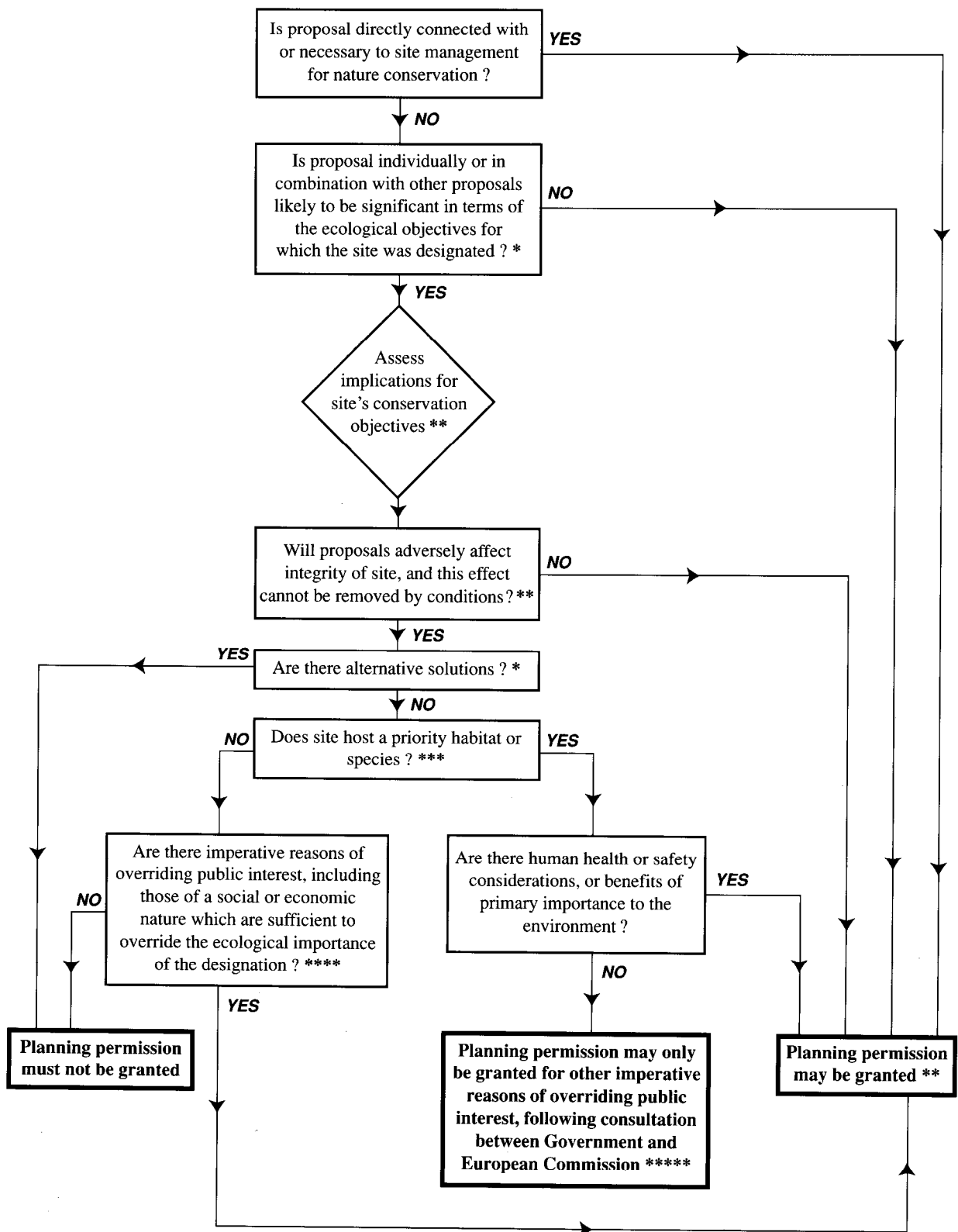
*Habitats  
Regulations 1994,  
Regulation 51*

---

<sup>(1)</sup> *Excluding planning permission deemed to be granted under section 90(1), (2) or (2A) of the Town and Country Planning Act 1990 in connection with the Pipelines Act 1962, the Electricity Act 1989 or the Transport and Works Act 1992. Such reviews will be carried out by the Secretary of State, as will those of other deemed permissions under section 90(1) (see regulation 55(3) and (4)). The local planning authority must consider whether any of these other permissions under section 90(1) should in their opinion be reviewed. If so they must refer the matter to the Government Department which made the direction deeming permission to be granted. They should take similar action in the case of deemed permissions connected with the Pipe-lines, Electricity and Transport and Works Acts. See regulations 64, 65 and 66 regarding permissions granted by Special Development Orders, Simplified Planning Zone Schemes and Enterprise Zone schemes, which are also excluded from review (regulation 55(2) refers).*

<sup>(2)</sup> *The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of population of the species for which it was classified.*

## Consideration of development proposals affecting SPAs and SACs



\* taking account of advice from CCW.

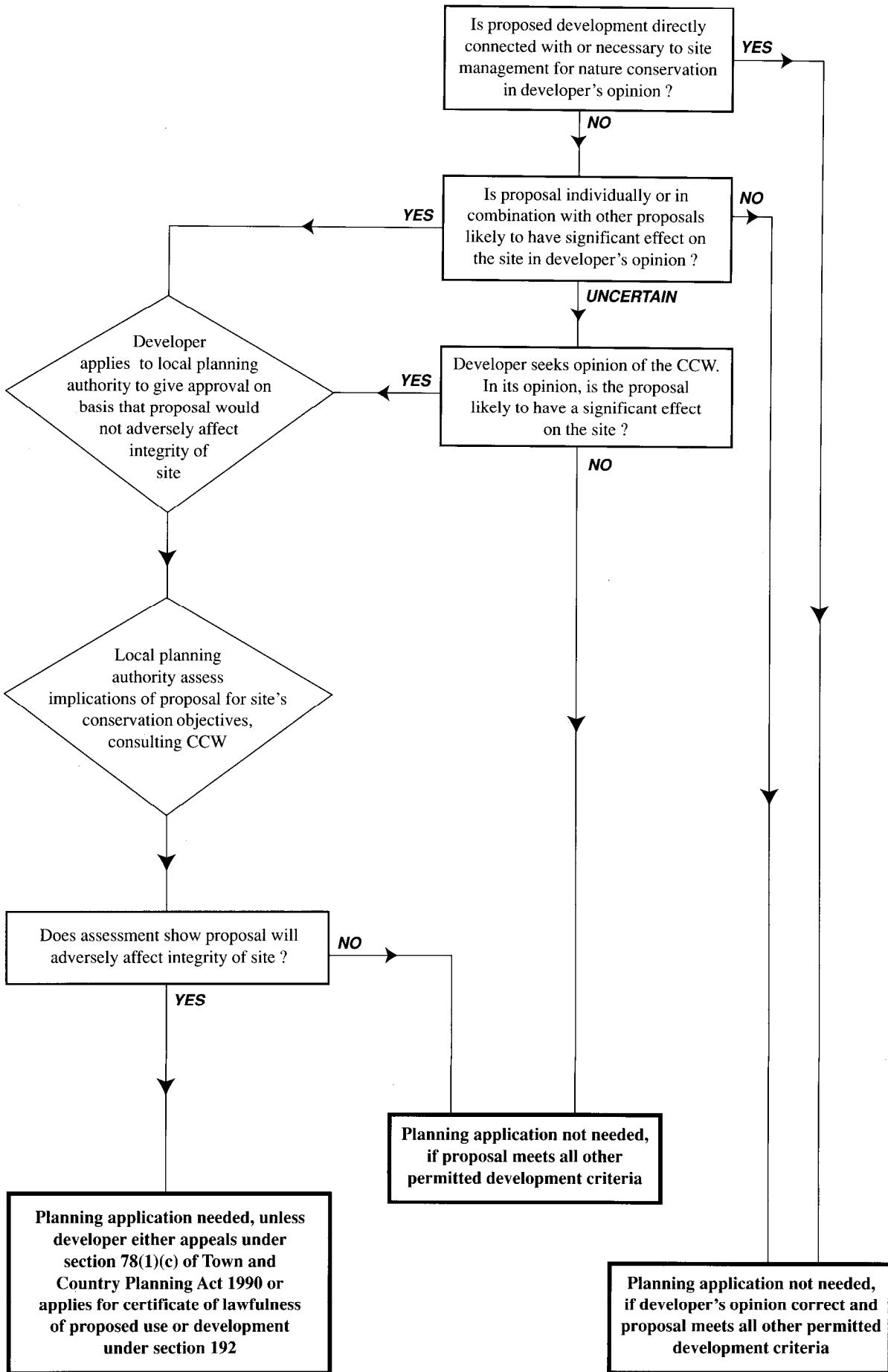
\*\* taking account of advice from CCW, its site citation and, for projects where EA is required, information assembled for the purposes of EA.

\*\*\* priority habitats and species are indicated by an asterisk in Annexes I & II of the Habitats Directive. The citation saying why the site was designated will show whether it hosts a priority habitat or species.

\*\*\*\* Regulation 52(4) of the Habitats Regulations requires a "competent authority", other than the Secretary of State, in determining whether to agree on grounds of overriding public interest, to seek and have regard to the views of any other competent authorities involved.

\*\*\*\*\* permission will be subject to any necessary compensatory measures being taken under regulation 53 of Habitats Regulations to ensure coherence of Natura 2000.

## Permitted Development Rights, SPAs and SACs



**Reference**

11. The flowchart on page 3 explains the approach to be taken in considering a development proposal that would affect an SPA or SAC, whether the decision-taker is the local planning authority or the Secretary of State.

**Habitats  
Regulations, 1994**

**Development affecting SPAs and SACs**

12. A local planning authority proposing to allow development which would adversely affect an SPA or SAC must notify the Secretary of State in advance. The Secretary of State will normally call-in applications likely to have a significant effect on sites of international importance; he will have regard to the advice of CCW on which applications are likely to have such effects. Where a planning application likely to affect such a site is not called in, the Government expects the papers inviting local authority members to take a particular decision to indicate clearly that the relevant factors have been fully addressed. Planning authorities should be prepared to explain their reasons, particularly if they do not decide the case in accordance with the recommendations of CCW.

**Habitats  
Regulations 1994,  
Regulation 49**

**Planning Guidance  
(Wales): Planning  
Policy, 1996,  
paragraph 105**

13. If planning permission is granted for a development which would adversely affect the integrity of an SPA or SAC the Secretary of State will secure that any necessary compensatory measures are taken to ensure that the overall coherence of the Community-wide network of SPAs and SACs, known as Natura 2000, is protected.

**Habitats  
Regulations 1994,  
Regulation 53**

**Local Authority and Crown development affecting SPAs and SACs**

14. Applications made by local planning authorities, or for the development of their land, are now subject to normal planning procedures (with some modifications). The Government has announced its intention to end Crown exemption from planning laws, with certain exceptions including trunk road and motorway development, which is subject to separate procedures designed to produce the same effect as planning legislation. Habitats Regulation 69 achieves the same result for trunk road or motorway construction or improvement projects carried out by the Secretary of State under the Highways Act 1980 as the regulations do for development requiring planning permission. Pending legislation altering Crown exemption, local planning authorities will continue to be consulted about proposals for Crown development. Where such proposals are likely to affect a site of international importance, authorities should apply the same tests in framing their advice as under the Habitats Regulations. The Secretary of State will do likewise in deciding whether planning clearance should be given for proposals which are the subject of unresolved objections from a local planning authority.

**Welsh Office  
Circular 39/92  
TCP Gen Regs  
1992. TCP  
(Development Plans  
& Consultation)  
Directions 1992**

**Welsh Office  
Circular 37/84  
Crown Land &  
Crown Development**

**Permitted Development Rights: SPAs and SACs**

15. The Habitats Regulations ensure that any permission granted under the GPDO is not in breach of the Habitats Directive. The flow chart opposite explains the process developers should follow to find out whether the particular development they propose would benefit from a permitted development right. It identifies the role of the local planning authority and CCW.

**The TCP (General  
Permitted  
Development)  
Order 1995,  
(SI No 1995/418)**

**Habitats  
Regulations, 1994  
Regulations 60-63**

16. If developers are uncertain whether their proposal is likely to have a significant effect on the site, they should seek an opinion from CCW through the appropriate Area Office (see Annex D).

17. In order to inform their initial consideration as to whether to consult CCW, developers may obtain a copy of the citation giving the reasons for designation or classification from CCW. A copy of the citation is provided to relevant local authorities and to owners and occupiers of a site during the consultation process which precedes designation or classification.



18. Developers should provide CCW with the following information:
- a. A short description of the proposed development or works showing:
    - i. their broad purpose;
    - ii. their physical extent;
    - iii. any residues likely to be produced and proposals for disposal, and any emissions to air, water, soil, and by noise, vibration, heat, light or radiation;
    - iv. the timetable.
  - b. A map (or maps) showing the location of the proposed development in relation to the SPA/SAC boundary and the position of all proposed buildings, service access routes and works (whether permanent or temporary).
  - c. A description of possible direct or indirect effects (including disturbance) on the wildlife, water quality, hydrology, geological or landform features of the site.
  - d. Information about any measures the developer proposes to incorporate into the project to prevent, reduce, ameliorate or offset any land take, residues or emissions.

#### **Unauthorised developments affecting SPAs and SACs**

19. Local planning authorities will need to act quickly to prevent or remedy any alleged breach of planning control which has, or is likely to have, a significant effect on an SPA or SAC. If a continuing breach of planning control is likely to result in serious long-term harm to a site, the authority should consider the simultaneous service of a stop notice with the related enforcement notice, to prohibit environmentally harmful activity which would otherwise continue for the duration of an enforcement appeal.

20. Where the significant effect on an SPA or SAC appears to result from an alleged breach of a planning condition it may be more effective to issue an enforcement notice, reinforced by a stop notice, rather than serve a breach of condition notice. This is because a minimum period of 28 days must be allowed for compliance with a breach of condition notice, during which period irremediable harm to the natural habitat may occur. Alternatively, or in addition, the authority may consider submitting an immediate application to the High Court or County Court, for the grant of an interim planning enforcement injunction while they prepare to take other action to enforce against a breach of control which is having a significant effect on an SPA or SAC.

#### **Sites of Special Scientific Interest (SSSIs)**

21. Development proposals in or likely to affect an SSSI must be subject to special scrutiny. Before granting planning permission for development in or likely to affect an SSSI, local planning authorities must consult CCW. Such consultation should take place as soon as possible and authorities may not determine any application to develop such a site within 14 days of initiating consultation. CCW will respond as quickly as possible. Authorities should inform CCW **promptly** of decisions on all applications for the development of land about which they were consulted.

*Planning Guidance  
(Wales): Planning  
Policy, 1996,  
paragraph 109*

*The TCP (General  
Development  
Procedure) Order  
1995, Article 10,  
(SI No 1995/419)*

#### **Consultation Areas around Sites of Special Scientific Interest**

22. SSSIs might be seriously damaged by developments outside their boundaries. To ensure that the potential effect of such developments can be taken properly into account when considering planning applications CCW should define consultation areas around SSSIs, giving priority to defining consultation areas around sites of international importance. Consultation areas should be as narrow as is consistent with protecting the scientific interest of a site.

**Reference**

---

23. Normally a consultation area will not extend beyond about 500 metres, although it may extend up to a maximum of 2 kilometres from the boundary of an SSSI. CCW will notify local planning authorities of the boundaries of such consultation areas and may advise that it wishes to be consulted only about certain types of development. CCW may also advise a local planning authority that it would like to be consulted about other types of development beyond the 2 kilometre maximum.

**Permitted Development Rights for Recreational Activities**

24. Permitted development rights for the temporary use of land for war games, motorsports and clay pigeon shooting do not apply in SSSIs. Planning permission is therefore required for all such uses of land within an SSSI. This is to ensure that nature conservation and other relevant considerations can be taken properly into account before the land is so used. Such uses need not be incompatible with SSSI status and planning permission should be granted if the activities can be accommodated without risk to the features of special interest.

*The TCP (General Permitted Development) Order 1995, Article 3 and Schedule 2, Part 4*

25. Where appropriate, an authority may wish to consider making a direction to withdraw permitted development rights for other activities within an SSSI.

*The TCP (General Permitted Development) Order 1995, Article 4*

**Local Nature Reserves**

26. Local authorities should make reasonable provision for Local Nature Reserves (LNR) and natural green space. They should consider designating LNRs on sites which have high value for nature conservation or local wildlife or geological interest and are of particular value for community enjoyment, involvement and education. While LNRs are not designated under planning legislation local planning authorities should have due regard to them in formulating their development plan policies and deciding planning applications.

*Biodiversity The UK Action Plan Cm 2428, HMSO, 1994*

27. To ensure the most appropriate sites are chosen, the selection of potential LNRs should form part of a countryside strategy. CCW will advise local authorities on the nature conservation value of potential LNRs.

*“Acting locally on behalf of the environment: the role of Local Nature Reserves” CCW, 1996*

**Nature Conservation outside Statutorily Designated Sites**

28. Statutory sites and non-statutory sites, together with features which provide wildlife corridors, links or stepping stones from one habitat to another, all contribute to the network necessary to ensure the maintenance of the current range and diversity of our flora, fauna, geological and landform features and the survival of important species. Sensitive landscaping and planting, the creation, maintenance and management of landscape features important to wildlife, and the skilled adaptation of derelict areas can provide extended habitats.

*Habitats Directive, Article 10*

*Habitats Regulations, 1994, Regulation 37*

*Planning Guidance (Wales): Planning Policy 1996, paragraph 106*

29. Non-statutory sites of local nature conservation importance (often known collectively as Sites of Importance for Nature Conservation (SINCs)) should be both selected and designated according to clear and strict criteria which ensures the sites are of substantive nature conservation value. Regionally important geological/geomorphological sites (RIGS) should also be selected and designated according to clear and strict criteria.

## Protection of Species

30. Certain plants and animals, including all wild birds, are protected. Protected species are not confined to designated sites. Schedules 5 and 8 of the 1981 Act (relating to protected animals and plant species respectively) are reviewed every 5 years and local authorities notified of any amendments. Some other animals are protected under their own legislation. It is an offence to kill, injure, sell or take protected species or intentionally to damage, destroy or obstruct their places of shelter. Bats enjoy additional protection; it is an offence to kill, injure or disturb bats found in the non-living areas of a dwelling (i.e. a loft) or in any other place without first notifying CCW.

31. It is an offence deliberately to kill, injure, take or disturb listed animal species or destroy their resting places or breeding sites; or deliberately to pick, collect, cut, uproot or otherwise destroy listed plant species. Animal and plant species in need of strict protection are listed in Annex IV of the Habitats Directive.

32. CCW are responsible for issuing licences to permit, in the course of development, interference with a badger sett. Although consideration of the case for granting a licence is separate from the process of applying for planning permission, a local authority should advise anyone submitting an application for development in an area where there are badger setts that they must comply with the provisions of the Act. Local authorities and all other public bodies also need a licence in respect of any development which they themselves carry out in any areas where there are setts.

## Commons and Greens

33. Much common land is important ecologically. The Secretary of State is committed to maintaining the status of common land, protecting the rights of commoners and encouraging the proper management of commons. The placing of buildings, fencing or works on Common Land normally require the consent of the Secretary of State, or may be prohibited under common land legislation. Town and village greens are also generally protected against enclosures.

## Cancellations

34. Welsh Office circulars 50/81 and 38/82 are cancelled.

### Reference

*Wildlife &  
Countryside Act,  
1981, Part I*

*Habitats  
Regulations, 1994,  
Part III and  
Schedule 2*

*Protection of  
Badgers Act 1992,  
Section 10(1)(d)*

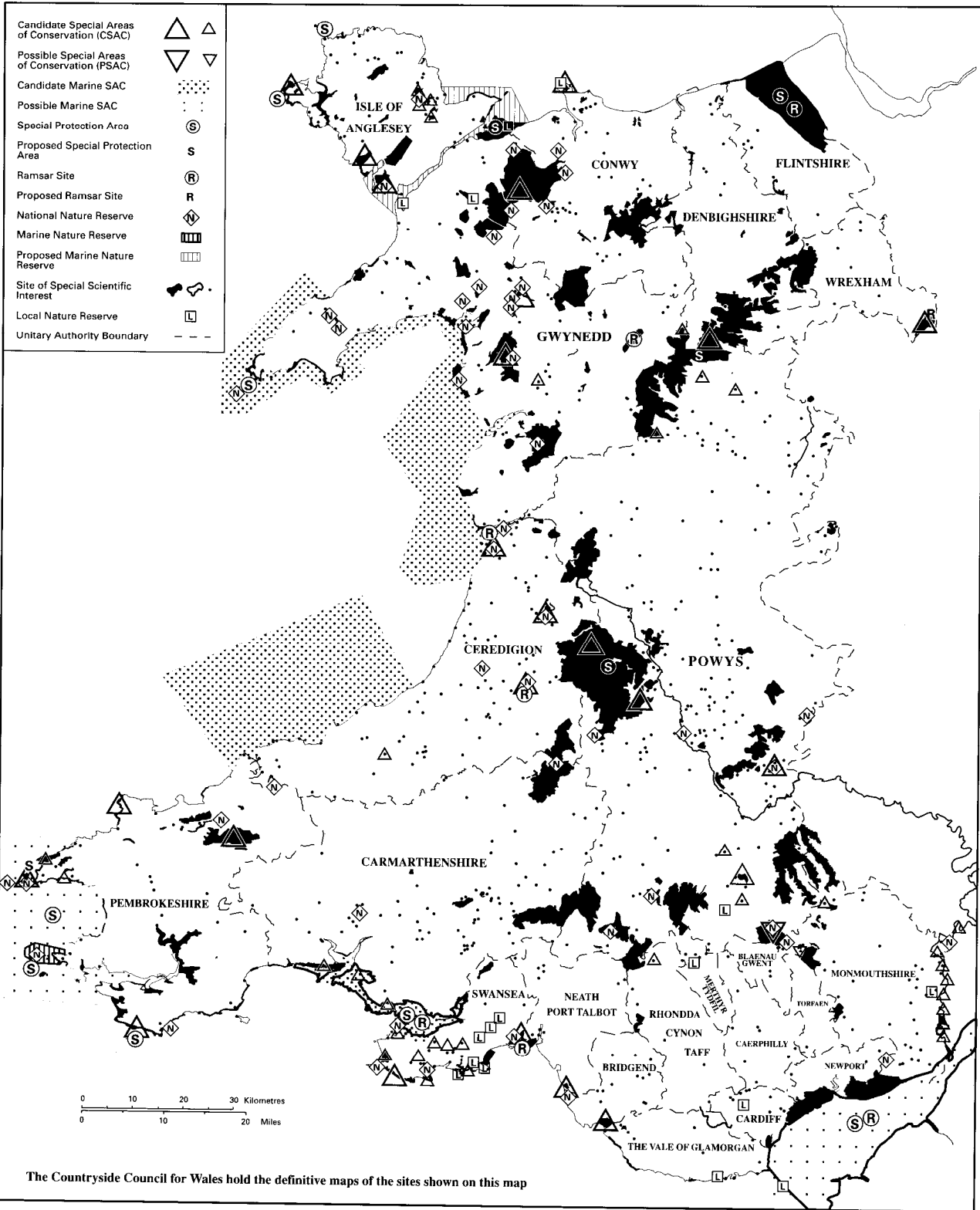
*Home Office  
Circular 100/91*

*A Working  
Countryside for  
Wales, Cm 3180,  
HMSO, 1996, p75*

*Law of Property  
Act, 1925,  
Section 194*

*Commons Act, 1899*

## Sites Statutorily Designated to Conserve their Flora, Fauna, Geological or Physiographical Features



The Countryside Council for Wales hold the definitive maps of the sites shown on this map

## CANDIDATE SPECIAL AREAS OF CONSERVATION

Anglesey Coast: Dunes	Holy Island Coast
Anglesey Coast: Saltmarsh	Kenfig
Anglesey Fens	Limestone Sea Cliffs of South West Wales
Berwyn	Llangorse Lake
Burry Inlet: Dunes	Llyn Peninsula and the Sarnau
Burry Inlet: Saltmarsh & Estuary	Merionydd Oakwoods
Cardigan Bay	Pembrokeshire Bat Sites
Coed Y Cerrig	Preseli
Coleg Glynllifon	Rheidol Woods
Cors Caron	Rhinog
Cors Fochno	Rhos Goch
Crymlyn Bog	Rhos Llawr-cwrt
Cwm Cadlan	Snowdonia
Drostre Bank	St David's
Elenydd	Tanat and Vyrnwy Bat Sites
Fenns, Whixall, Bettisfield, Wem & Cadney Mosses	Usk Valley Bat Sites
Gower Commons	Wye Valley Woodlands
Great Orme's Head	Wye Valley and Forest of Dean Bat Sites

## CLASSIFIED SPECIAL PROTECTION AREAS AND RAMSAR SITES

Burry Inlet	<i>SPA/RAMSAR</i>
Castlemartin Coast	<i>SPA</i>
Cors Caron	<i>RAMSAR</i>
Cors Fochno & Dyfi	<i>RAMSAR</i>
Crymlyn Bog	<i>RAMSAR</i>
Dee Estuary	<i>SPA/RAMSAR</i>
Elenydd-Mallaen	<i>SPA</i>
Glannau Abardarron	<i>SPA</i>
Glannau Ynys Gybi	<i>SPA</i>
Grassholm	<i>SPA</i>
Llyn Idwal	<i>RAMSAR</i>
Llyn Tegid	<i>RAMSAR</i>
Ramsey & St David's Peninsular Coast	<i>SPA</i>
Severn Estuary	<i>SPA/RAMSAR</i>
Skokholm & Skomer	<i>SPA</i>
Traeth Lavan, Conway Bay	<i>SPA</i>
Ynys Feurig, Cemlyn Bay & the Skerries	<i>SPA</i>

## PROPOSED SPECIAL PROTECTION AREAS AND RAMSAR SITES

Berwyn	<i>prop SPA</i>
Cors Fochno & Dyfi	<i>prop RAMSAR extension</i>
Carmarthen Bay	<i>prop SPA/RAMSAR</i>
Corsydd Mon/Llyn	<i>prop RAMSAR</i>
Midland Meres & Mosses	<i>prop RAMSAR</i>
Migneint & Cwm Hesgyn	<i>prop RAMSAR</i>

## STATUTORY FRAMEWORK FOR NATURE CONSERVATION

### Government Framework of Legislation to Safeguard the Natural Heritage

- **The National Parks and Access to the Countryside Act 1949** introduced the concept of National Nature Reserves (NNRs) and Sites of Special Scientific Interest (SSSIs), important for their flora and fauna, geological or physiographical (landform) features; and conferred powers on local authorities to create nature reserves.
- **The Countryside Act 1968** strengthened many of the powers given under the 1949 Act and imposed on Ministers, government departments and public bodies (including local authorities) a duty to have regard to the desirability of conserving the natural beauty and amenity of the countryside in the exercise of their functions relating to land.
- **The Wildlife and Countryside Act 1981** strengthened the protection for SSSIs, provided additional safeguards for particular types of area, and restricted the killing, taking from the wild and disturbance of various species.
- **The Wildlife and Countryside (Amendment) Act 1985** further strengthened the protection for SSSIs by making it operative immediately on notification by the Nature Conservancy Council (now succeeded in Wales by CCW).
- **The Environmental Protection Act 1990** established three country conservation councils (Countryside Council for Wales, English Nature, Scottish Natural Heritage) and the Joint Nature Conservation Committee (JNCC) to succeed the Nature Conservancy Council; and provided further protection for SSSIs.
- **The Planning and Compensation Act 1991** improved local planning authorities' abilities to safeguard conservation and amenity areas by strengthening their planning enforcement and development control powers. It also required development plans to include policies in respect of the conservation of the natural beauty and amenity of land.
- **The Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations)** formally transpose the requirements of the EC Habitats Directive into national law. They build on the existing nature conservation legislation for the protection of habitats and species listed in the Directive and apply its considerations in respect of development control and pollution control legislation. They also introduce a new system for the conservation of certain marine areas.

### International Obligations

Much of the Government's legislative framework is underlaid by international obligations. The main ones are outlined below:

- **The Bern Convention on the Conservation of European Wildlife and Natural Habitats** carries obligations to conserve wild plants, birds and other animals, with particular emphasis on endangered and vulnerable species and their habitats. The provisions of the Convention underlie the EC Habitats Directive as well as the UK's wildlife legislation.
- **The Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat** requires the conservation of wetlands, especially sites listed under the Convention.
- **EC Council Directive on the Conservation of Wild Birds (the Birds Directive)** applies to birds, their eggs, nests and habitats. It provides for the protection, management and control of all species of naturally occurring wild birds in the European territory of Member States (Article 1); requires Member States to take measures to preserve a sufficient diversity of habitats for all species of wild birds naturally occurring within their territories (Articles 2 and 3) in order to maintain populations at ecologically and scientifically sound levels; and requires Member States to take special measures to conserve the habitat of certain particularly rare species and of migratory species (Article 4).
- **EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive)** contributes to the conservation of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species at a favourable conservation status in the Community, giving effect to both site and species protection objectives. Article 7 modifies the Birds Directive. Sites to be designated as Special Areas of Conservation (SACs) must be agreed with the EC Commission by June 1998.

## ***Annex A***

- **The Bonn Convention on the Conservation of Migratory Species of Wild Animals** requires the protection of endangered migratory species listed, and encourages separate international agreements covering particular species. An agreement covering the Conservation of Bats in Europe deals with the need to protect bats and their feeding and roosting areas.
  
- **EC Council Directive on the Assessment of the Effects of certain Public and Private Projects on the Environment** requires environmental assessment to be carried out, before a decision is taken on whether development consent should be granted for certain types of project which are likely to have significant environmental effects.

**SITES STATUTORILY DESIGNATED FOR NATURE CONSERVATION**

<b>Internationally Important Sites</b>		
<b>Special Protection Areas (SPAs)*</b>	Classified under Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (the Birds Directive)	Classified by the Secretary of State for Wales in the light of recommendations made by the Countryside Council for Wales through the JNCC.
<b>Special Areas of Conservation (SACs)*</b>	To be designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna & Flora (92/43/EEC) (the Habitats Directive)	Designated by the Secretary of State for Wales in the light of recommendations made by the Countryside Council for Wales through the JNCC.
<b>Ramsar Sites*</b>	Listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971)	Designated by the Secretary of State for Wales in the light of recommendations made by the Countryside Council for Wales through the JNCC.
<b>Nationally Important Sites</b>		
<b>National Nature Reserves (NNRs)*</b>	Declared under Section 19 of the National Parks and Access to the Countryside Act, 1949 or Section 35 of the Wildlife & Countryside Act, 1981	Declared by CCW. NNRs may be declared on any land of national conservation importance and which is appropriately managed as a nature reserve (as defined in Section 15 of the 1949 Act) to provide opportunities for research or to preserve plants and animals, and ecological or physiographic features of special interest.
<b>Sites of Special Scientific Interest (SSSIs)</b>	Notified under Section 28 of the Wildlife & Countryside Act 1981	Notified by CCW. SSSIs are identified on the basis of published scientific criteria and may be designated on any area of land of special interest by reason of its flora, fauna, geological or physiographic features. The purpose of the designation is to protect the special features of the site.
<b>Marine Nature Reserves (MNRs)</b>	Designated under Section 36 of the Wildlife and Countryside Act 1981	Designated by the Secretary of State for Wales in the light of recommendations made by the Countryside Council for Wales through the JNCC. MNRs provide opportunities for the study of marine flora and fauna, geographical or physiographical features of special interest.
<b>Regionally/Locally Important Sites</b>		
<b>Local Nature Reserves</b>	Declared under Section 21 of the National Parks & Access to the Countryside Act, 1949.	Declared and managed by local authorities. LNRs can be designated on land which a local authority considers should be managed as a nature reserve (as defined in Section 15 of the 1949 Act).

\* These sites are also designated as SSSIs except for marine areas below mean low water mark.



## Annex C

### DESIGNATED SITES

This Annex describes the conservation designations under British law and other agreements, and the protection offered under conservation legislation.

**Sites of Special Scientific Interest (SSSIs)** are identified by CCW. Guidelines for the selection of biological SSSIs were published by its predecessor, the Nature Conservancy Council (NCC), in 1989. These will be updated and guidelines for geological sites will be published by the Joint Nature Conservation Committee. CCW must notify SSSIs to their owners and occupiers, the local planning authority, the Environment Agency and the Secretary of State. Interested parties may make representations to CCW following the initial notification of an SSSI. The Council must consider all such representations and decide within 9 months of the original notification whether or not it should stand.

Within the SSSI series certain key areas have been identified where nature conservation should be the primary purpose of control and management of the site. These sites are known as **NCR sites**. Key areas have been identified for geological and geomorphological areas where conservation is essential for education and research in the earth sciences. These sites are known as **GCR sites**. Notification of these NCR and GCR sites is included in the notification of SSSIs.

To protect SSSIs from operations outside the scope of planning controls, CCW specify to their owners and occupiers the operations which they consider to be harmful to their conservation interest. Owners and occupiers are required either to notify CCW of potentially damaging operations and may not undertake them for 4 months (longer by agreement) unless they are in accordance with the terms of a management agreement or to have the consent of CCW.

Local authorities are required to register all notifications of SSSIs as a local land charge. They are also asked to help to protect them by alerting CCW if they become aware of any threat to the special interest of the site, such as a change in farming techniques, an application for development of land or coast protection works.

As further protection, the Secretary of State may make a **Nature Conservation Order** to protect any sites of national or international importance. Such an order extends the period for the negotiation of a management agreement to up to 12 months (or longer by agreement). If agreement still cannot be reached, CCW may apply to the Secretary of State for confirmation of a Compulsory Purchase Order.

**Limestone pavements** are of physiographical, and sometimes biological, interest. They are identified as a priority habitat type in the Habitats Directive. CCW is required to notify local planning authorities of limestone pavements which it considers to be of special interest. Under section 34 of and Schedule 11 to the Wildlife and Countryside Act 1981, the Secretary of State or the relevant local planning authority may then make a **Limestone Pavement Order** designating the land concerned and prohibiting the removal or disturbance of limestone on or in it.

**National Nature Reserves (NNRs)** are of national, sometimes international importance. Their essential characteristic is that they are primarily used for nature conservation.

**Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)** are intended to protect the habitats of threatened species of wildlife. The Conservation (Natural Habitats, & c) Regulations 1994 (the Habitats Regulations) make provision for the purposes of implementing the Habitats Directive.

- Article 4 of the Birds Directive requires that special measures be taken to conserve the habitat of the species listed in Annex I of the Directive in order to ensure their survival and reproduction in their area of distribution. Member States are required to classify the most suitable areas for these species as SPAs. Similar measures are to be taken in respect of regularly occurring migratory species not listed in Annex I.
- Article 2 of the Habitats Directive states that the Directive's aim is to contribute towards biodiversity through conserving natural habitats and wild fauna and flora of Community importance. Measures taken pursuant to the Directive are to take account of economic, social and cultural requirements and regional and local characteristics.
- Article 3 of the Habitats Directive requires Member States to contribute, according to the selection and designation procedure set out in Article 4 and Annex III, to a coherent Community-wide network of SACs called Natura 2000. The SACs will be selected for their importance as natural habitat types and as habitats of the species listed in Annexes I and II of the Directive. All Birds Directive SPAs will also be part of the Natura 2000 network under Article 3(1) of the Habitats Directive.

- Article 6(2) of the Habitats Directive requires Member States to take appropriate steps to avoid, in SACs and SPAs, significant deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the sites have been designated.
- Article 6(3) and (4) of the Habitats Directive requires that proposed developments<sup>(1)</sup>, not directly connected with or necessary to site management, which are likely to have a significant effect on an SAC or an SPA, either individually or in combination with other plans or projects, should be assessed according to their implications for the site's conservation objectives (see flowchart at page 3).
- Article 7 of the Habitats Directive applies Articles 6(2), (3) and (4) of that Directive to the Birds Directive.
- Article 10 of the Habitats Directive requires Member States to encourage in their land-use planning and development policies the management of landscape features which are of major importance for wild fauna and flora.

The **Ramsar Convention** requires signatory States to protect wetlands that are of international importance, particularly as waterfowl habitats. The provisions of the Ramsar Convention include requirements for contracting parties to promote wetlands generally and to:

- a. 'formulate and implement their planning so as to promote the conservation of the wetlands included in the list, and as far as possible the wise use of wetlands in their territory'; and
- b. 'designate alternative sites of the original habitat type should the development of any of the presently designated sites become necessary in the urgent national interest'.

**Biogenetic Reserves.** A number of National Nature Reserves and some important SSSIs have been identified as Biogenetic Reserves under a Council of Europe programme for the conservation of heathlands and dry grasslands.

**Marine Nature Reserves (MNRs)** are designated to conserve marine flora or fauna or geological or physiographical features or to allow study of such features. The Secretary of State may apply such a designation to any areas of land covered (continuously or intermittently) by tidal waters or to parts of the sea up to the seaward limits of territorial waters. CCW may make byelaws for the protection of MNRs, except where these would interfere with the byelaw-making functions already vested in another authority. Local authorities can contribute to the successful operation of reserves by making complementary byelaws to control activities on the foreshore or other parts of MNRs within their boundaries.

**Areas of Special Protection for Birds (AOSPs)** are established under the Wildlife and Countryside Act 1981 by orders made by the Secretary of State after appropriate consultation with owners and occupiers. The purpose of such orders is normally to provide sanctuary to particularly vulnerable groups of birds.

**Local Nature Reserves (LNRs)** may be established by local authorities. These habitats of local significance can make a useful contribution both to nature conservation and to the opportunities for the public to see, learn about, and enjoy wildlife.

---

<sup>(1)</sup> Development in this context does not include development plans, since the plan itself cannot authorise development that would affect the site.

## **Annex D**

### **COUNTRYSIDE COUNCIL FOR WALES**

The Countryside Council for Wales is the agency responsible in Wales for advising central and local government on nature conservation and for monitoring, research and promotion of wildlife and natural features.

The Countryside Council for Wales:

- establishes, maintains and manages nature reserves;
- notifies and protects SSSIs;
- advises Ministers on policies affecting nature conservation and their implementation;
- provides advice and disseminates knowledge about nature conservation;
- commissions and supports research;
- advises on, or issues licenses under the Wildlife & Countryside Act 1981, the Protection of Badgers Act 1992 and the Deer Act 1991.

The Countryside Council for Wales, English Nature and Scottish Natural Heritage are required to examine certain functions jointly through the Joint Nature Conservation Committee (JNCC). This promotes Great Britain - wide and international nature conservation, carries out joint monitoring and research, sets common standards and advises central government.

### **Countryside Council for Wales - Addresses**

**Headquarters:** Plas Penrhos  
Ffordd Penrhos  
Bangor  
Gwynedd  
LL57 2LQ  
Tel: 01248 385500

**Area Offices:** **North East**  
Victoria House  
Grosvenor Street  
Mold  
Flintshire  
CH7 1EJ  
Tel: 01352 754000

**East**  
3rd Floor  
The Gwalia  
Ithon Road  
Llandrindod Wells  
Powys  
LD1 6AA  
Tel: 01597 824661

**West**  
Plas Gogerddan  
Aberystwyth  
Ceredigion  
SY23 3EE  
Tel: 01970 828551

**North West**  
Bryn Menai  
Holyhead Road  
Bangor  
Gwynedd  
LL57 3EF  
Tel: 01248 373100

**South**  
Castleton Court  
Fortran Road  
St Mellons  
Cardiff  
CF3 0LT  
Tel: 01222 772400