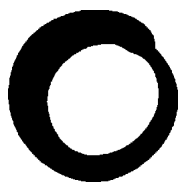


How to win

Saving wildlife sites



**Friends of
the Earth**

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Friends of the Earth inspires solutions to environmental problems, which makes life better for people.

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This is an extract

A full copy of How to win: Saving wildlife sites can be downloaded from Friends of the Earth's website.

http://www.foe.co.uk/resource/local/saving_wildlife_sites/

3 Nature conservation designations and schemes

Natural heritage schemes and designations fall into two main categories: those based on the network of Sites of Special Scientific Interest (SSSIs) and those based on other criteria. Those in the latter category are many and varied. Some have the protection of landscape features and land use as their primary goal rather than nature conservation per se. All, however, can be useful tools for the local campaigner.

1 SSSI-based designations

There are approximately 6,500 SSSIs in England, Wales and Scotland and around 180 ASSIs in Northern Ireland. They cover about seven per cent of the UK land area and some will have additional designations – National nature reserves, Special areas of conservation, Special protection areas, and Ramsar sites if they are of particular national or international importance.

SSSI designation gives some legal protection; empowering the wildlife agencies to ensure the sites are well managed and protected from damaging activities. Some responsibility is placed on the owner or occupier of the land concerned and local authorities and other public bodies have a number of duties and responsibilities.

(For more information, see Appendix One)

International wildlife protection

There are a number of international treaties and conventions the UK Government has signed up to - most important are two EU Directives - that require the designation of sites to conserve internationally important wildlife. All these, excepting marine sites, use the SSSI designation as a basis - which means all sites designated under the Birds Directive, the Habitats and Species Directive and the Ramsar Convention will also be SSSIs. A note of caution though, if an SSSI has other international designations it does not follow that all the wildlife designated as of 'special interest' in the SSSI is necessarily protected by those additional measures. The criteria used to designate all these different designations is very different and international sites are often designated for very different reasons to the SSSIs which form their basis. A site may

be a Birds Directive site because of the numbers of nightjar but an SSSI for its peatland habitat. The only way to find out whether a site is designated is from the wildlife agency.

Natura 2000

The EU Habitats and Species Directive 1992 (council directive 92/43/EEC) and Birds Directive 1979 (council directive 79/409/EEC) are the most powerful pieces of conservation law in the UK. The Birds Directive requires EU member states to take special measures to conserve some vulnerable bird species and all migratory birds. The Habitats and Species Directive requires states to ensure the “favourable conservation status” of internationally significant species and habitats. Sites designated under the Birds Directive are known as Special protection areas (SPAs). There are more than 200 in the UK. The legal measures which govern the protection and management of SPAs are the same as for the Habitats Directive. Sites designated under the Habitats Directive are known as Special areas of conservation (SACs). There are 350 in the UK at the moment and this will rise to more than 500. Collectively these are known in Europe as Sites of community importance (SCIs) under the EU Natura 2000 programme often referred to simply as Natura 2000 sites. Confused yet? For more information see Appendix Two.

The Ramsar Convention

The ‘Convention on Wetlands of International Importance especially as Waterfowl Habitat’ is, thankfully, better known as the Ramsar Convention after the town in Iran where it was signed in 1971. The convention is designed to promote the preservation of important wetland habitats and its remit has broadened from a focus on wetland birds to promoting the wise use of wetlands in general. Signatory countries are required to designate at least one Ramsar site nationally and to “formulate and implement their planning so as to promote the conservation of wetlands”.

In the UK, there are more than 140 Ramsar sites and whilst they are recognised in law (in the CROW Act) they do not have special protection per se. Again the reason for designation may be different from the SSSI.

National Nature Reserves (NNRs)

There are more than 200 NNRs in the UK not including 46 Nature Reserves in Northern Ireland. NNRs are areas of national importance for wildlife (or geology) as originally defined in *A Nature Conservation Review* (Ratcliffe, D. et al, NCC, 1982), or

subsequently added. They are all designated SSSIs but are state-owned or leased and managed for wildlife by the wildlife agencies or occasionally by agreement with a competent body such as the National Trust or RSPB. Most also have some degree of public access and many are used for research.

2 Non-statutory wildlife sites

There are estimated to be at least 42,000 locally identified wildlife sites outside of the statutory protected area network. They include County wildlife sites - also called sites of particular ecological importance, sites of importance for nature conservation (SINCs), sites of nature conservation importance (SNCIs), and a myriad other names. In fact a survey by the Wildlife Trusts identified 26 different terms used to name sites and 115 Wildlife Site systems operating in the UK (REF Status of Wildlife Systems 2000, The Wildlife Trusts).

In most cases they are designated by planning authorities, often based on surveys carried out by the local Wildlife Trust with either the authority or the Trust taking responsibility for managing the site. The designation itself amounts to little more than being added to a list of sites referred to by district and parish councils when considering planning applications or other development. Some protection for non-statutory wildlife sites would usually be offered in the local authority 'Local Plan'. The wildlife agencies have a special overview of such schemes and there is formal government guidance on their designation and protection.

3 Other schemes and designations

Local nature reserves (LNRs)

Under the landmark 1949 National Parks and Access to the Countryside Act, local authorities can acquire, declare and manage LNRs, taking advice on selecting sites from the wildlife agencies. Even parish councils can designate these sites provided they have had the power passed down to them by the planning authority. LNRs must be important in a local context, in the same way that NNRs are nationally. LNRs must be managed to retain their wildlife interest and this is done either directly by the local authority or passed on to a conservation organisation most often the County Wildlife Trust.



Key point

Local authorities offer protection from development for LNRs with their local plan and have powers to create bylaws to give additional protection.

Unfortunately, local authorities have been slow to use their protection powers and there are fewer than 1,000 LNRs in the UK - distributed patchily around the country depending on the individual enthusiasm of authorities for nature conservation. For more information on this, see Section 5: Wildlife development and planning law.

Those LNRs that do exist play an important role in conservation by contributing to environmental awareness and, as most are open to the public, they provide easily accessible areas to enjoy and learn about nature. They add to the quality of life in urban areas and offer an opportunity for people to be involved in managing their local environment. LNRs can form a component of Local Agenda 21 strategies, Local Biodiversity Action Plans, and environmental education strategies.



Key point

The wider countryside

Regardless of the emphasis in UK legislation on protecting sites, the countryside beyond protected areas supports the majority of wildlife. Areas rich in wildlife - ponds, ditches, field margins, headlands and copses - remain, with the notable exception of hedgerows, unprotected and under threat.

Ancient woodland sites

In England, English Nature has produced an inventory and maps of sites considered to be ancient woodland. These are defined as natural or semi-natural woodland sites larger than two hectares in 1920, when the first maps were produced, and which are believed to have been continuously wooded since 1600. The list is passed to local authorities whose Local Plans sometimes contain measures to protect them, although under planning law such measures are not allowed to frustrate 'development'...

Environmentally sensitive areas (ESAs)

The ESA scheme is one of many so-called agri-environment schemes, some overseen by the Ministry of Agriculture, Fisheries and Food (MAFF) and some by the nature conservation and countryside agencies. They are meant to encourage farmers to help

safeguard areas where the landscape, wildlife or historic interest is of national importance. Farmers can apply for additional government grants and subsidies to manage these areas of their land to preserve the important features. There are 22 ESAs in England, covering ten per cent of agricultural land. Farmers are under no obligation to take part in the scheme, however, and the areas have no legal status.



Key point

Agri-environment schemes are imperfect in many ways but do offer, not protection as such, but a positive alternative to destructive farming methods in some circumstances.

Tree preservation orders (TPOs)

TPOs can apply to a single tree, a group or a whole woodland. They are issued by planning authorities to protect trees with amenity or environmental value and make it an offence to cut down, uproot or in any way damage the tree or trees in question. Within a local authority, tree preservation orders are administered by local tree officers and these should be your first point of contact.

Hedgerow regulations

Under regulations introduced in 1997, the removal of any hedge longer than 20 metres requires planning permission. If the hedge is shown to be significant in terms of its age, environmental or historical importance, then the planning authority can refuse such permission and take further measures to protect the hedgerow. To be seen as significant enough for this action, the hedgerow must be at least 30 years old and meet a minimum of one of eight criteria (*Hedging your bets: is our hedgerow legislation gambling with our heritage?*, CPRE, 1999):

- i marks a pre-1850 parish or township boundary
- ii incorporates an archaeological feature
- iii is part of, or associated with, an archaeological site
- iv marks the boundary, or is associated with, a pre- 1600 estate or manor
- v forms an integral part of a pre-1845 field system
- vi contains certain rare plants or animals (listed in the 1981 Wildlife and Countryside Act)

- vii includes a certain number of woody species over a given length
- viii runs alongside a public right of way and contains a minimum number of woody species.

Limestone pavement orders (LPOs)

Under Section 34 of the Wildlife and Countryside Act 1981, local authorities may make a limestone pavement order which makes it an offense to remove limestone from an area of land. This protection was introduced in response to the widespread destruction of limestone pavement features for sale as rockery stone.

Most areas of limestone pavement are covered by LPOs and many are also SSSIs. Limestone pavements were given further protection under the European Habitats and Species Directives in 1992, when they were recognised as a priority habitat for designation as Special areas of conservation (SAC).

Marine nature reserves

Marine nature reserves are areas recognised for their special marine features and have a level of protection broadly equivalent to National Nature Reserves. At present, however, there are only three in the UK and you are unlikely therefore, to come across them. The three sites are Lundy, Skomer and Strangford Lough.

4 Landscape, recreation and access

There are several additional types of protected area in the UK which, whilst primarily concerned with the protection of scenic beauty and cultural heritage, can be useful in the protection of wildlife habitats. These include national parks, Areas of outstanding natural beauty (AONBs) and heritage coasts. This guide will not deal with these areas in detail, but it is useful to be aware of some key information, and if you are campaigning in an area which contains any of these designations it will certainly help you to be familiar with them.

National parks

National parks are designated under the provisions of the 1949 National Parks and Access to the Countryside Act, although this legislation has been amended several times subsequently. They have a dual purpose:

- i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the national park

- ii) and to promote opportunities for the understanding and enjoyment of the special qualities of the park.

Where conflict arises between these purposes parks must attach greater weight to conservation over recreation; wildlife conservation within national parks is given a high priority. Parks are Governed by national park authorities (NPAs) which, in terms of planning control operate in much the same way as local authorities but with an additional constraint known as the Silkin Test. This requires that NPAs presume against granting permission for development unless it can be shown to be in the national interest, no alternative can be found, or the benefits to the local economy significantly outweigh environmental or landscape disadvantages. As elsewhere, however, agriculture and forestry activities are largely exempt from this.

Areas of outstanding natural beauty (AONBs)

Like national parks, AONBs are designated under the provisions of the 1949 National Parks and Access to the Countryside Act with the purpose of conserving and enhancing the natural beauty of the area concerned. Wildlife is once again given a higher priority than elsewhere. Unlike national parks they have no provision for promoting access and recreation and have no special planning provisions. Instead, AONBs are managed by local authorities who, along with other statutory bodies must have regard to the purpose of the AONB when making decisions which affect it. Some AONBs, such as the Sussex Downs, are managed by a conservation board with powers delegated by the local authority, or authorities, concerned. They have no direct planning control, however. Under the 2000 CROW (Countryside and Rights of Way) Act provisions have been put in place for the establishment of further conservation boards where necessary and also a duty has been imposed on local authorities to produce management plans for AONBs under their jurisdiction. The equivalent areas in Scotland are known as National Scenic Areas.

Heritage coasts

Heritage Coasts are a non-statutory designation agreed between the Countryside Agency and local authorities to protect undeveloped coastlines which have particular scenic beauty and features of interest, including wildlife. Local authorities must take them into consideration in planning and managing their coastline.