



This leaflet provides information on the law relating to European Union designations to protect wildlife and habitats in England, called Special Protection Areas and Special Areas of Conservation. It is for general guidance only.

What are Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)?

SPAs and SACs are designated under European laws to protect Europe's rich variety of wildlife and habitats. All European Union member states are required to designate SPAs and SACs and ensure they are properly looked after to protect their biodiversity. Together, SPAs and SACs make up a series of sites across Europe, referred to collectively as Natura 2000 sites. In the UK they are also known as European sites.

SPAs are designated under the European Commission's 'Birds Directive' to protect wild birds and their habitats. SACs are designated under the 'Habitats Directive' to conserve habitats and species other than birds that are important in their own right.

There are more than 320 Natura 2000 sites in England, nearly 900 in the UK and more than 25,000 throughout Europe. These sites vary in size from a few hectares to hundreds of square kilometres, and protect a huge range of species and habitats, covering moorlands, forests, grasslands, rivers and lakes, bogs, estuaries and other wetlands, and many coastal and marine habitats. Some sites include habitats such as disused quarries, canals and buildings which sustain important wildlife populations.

How are SPAs and SACs identified?

SPAs and SACs are selected using scientific information about the species and habitats that occur in England and their importance to European biodiversity conservation. SPAs are identified in the most suitable places for regularly occurring migratory species of birds, along with other species listed in the Birds Directive and in particular need of special protection. In the UK, SPAs are proposed if they meet guidelines, developed by the statutory conservation agencies, for identifying the most important areas for birds.

The criteria for selecting SACs are set out in the Habitats Directive, along with a list of all species and habitats for which member states need to identify SACs. The Habitats Directive contains criteria for assessing the importance of each species or habitat on each site in a European context.

Natural England applies the selection criteria and advises Government on the sites that should be considered for designation, working closely with the other statutory conservation agencies in Scotland, Wales and Northern Ireland and with the Joint Nature Conservation Committee (JNCC) to ensure a consistent approach across the UK. A wide range of information is used, including results of survey work, published and unpublished data and reports, and information provided by scientific bodies, voluntary conservation organisations and individuals.

How are SPAs and SACs designated?

All European sites in the UK are designated by Government - in England by the Department for the Environment, Food and Rural Affairs (Defra). Designation involves several stages. Once identified by Natural England, sites are proposed to Defra for initial approval. Natural England then carries out a public consultation, to give everyone who might be affected by the designation or who has relevant scientific information, an opportunity to comment. This includes land owners and occupiers, local planning authorities, other agencies and interested organisations. The results of the consultation are reported back to Defra, which may request Natural England to try and resolve any remaining objections to the designation, or provide more scientific information to support the proposal.

For SPAs, Defra Ministers may then decide to designate the site, which then becomes part of the Natura 2000 series. When this happens, land owners, occupiers and other interested parties are notified and the European Commission is informed. The first SPAs in England were designated in the early 1980s.

For SACs the designation process is slightly different. After the public consultation stage, the Government decides whether to formally submit the site to the European Commission. Once submitted, the site is called a 'candidate SAC'. When the sites have been scientifically assessed alongside sites proposed by other countries in the Atlantic biogeographic region of Europe, they are then 'adopted' by the European Commission and designated as SACs by the national Governments. Most SACs in England were designated in July 2005.

Changes to Natura 2000 sites, such as proposing a new site or changing the boundaries of a site or its designated habitats and species, follow a similar process including a consultation with owners, occupiers and interested parties. If the boundary of a site is reduced (and this can happen only under very limited or exceptional circumstances), there is not normally a need for consultation, although those affected are of course informed and the reasons for the change reported to the European Commission.

What effect do the designations have?

The legal basis for candidate SACs, designated SACs and SPAs is set out in the Conservation of Habitats and Species Regulations 2010 which consolidates all the various amendments made to the Conservation (Natural Habitats &c.) Regulations 1994. SPAs are subject to the regulations only once they are formally designated. Legal measures to protect SACs come into force when the sites are submitted to the European Commission as candidate SACs. However, the UK Government considers that proposed SPAs and SACs should have a similar level of protection to candidate SACs, from the point when they are first approved for consultation.

Below is a summary of the legal effects of designation. Not all points apply to all parties, and if you need further information, you may wish to contact a legal advisor. You can also contact Natural England for initial advice.

Land management

Almost all European sites on land, including areas of foreshore, are also Sites of Special Scientific Interest (SSSI). The European designations are unlikely to greatly affect the day to day management of SSSIs that are already being managed to conserve their biodiversity. Natural England will continue to work in partnership with those who own, use and manage land to secure any necessary changes in the way in which it is managed. Natural England may be able to contribute to the costs of any special management by entering into an agreement with landowners or occupiers. Funding may also be available through agri-environment schemes.

Every SSSI notification contains a list of operations that may damage the special interest of the site. Under the law governing the way SSSIs are designated and managed, owners or occupiers must inform Natural England in writing and obtain consent before carrying out any of the listed

operations. Natural England also has a duty to review existing SSSI consents on European sites to ensure that activities currently permitted will not damage the European wildlife interest.

Planning permission and other consents

If you seek planning permission from your local authority, or consent from any other agency, for works that could affect a European site, the authority has a duty to consult Natural England and consider whether there might be damage to a species or habitat for which the site is important. This applies even if the proposed works are outside the site boundary. Permission can normally only be granted if there will not be any damage to the site's wildlife, or if damage can be avoided by additional conditions or restrictions. In exceptional cases, damaging works may be permitted if there are no alternative solutions and the works are necessary for 'imperative reasons of overriding public interest' and this requires the agreement of Defra.

Regulatory bodies such as local planning authorities and the Environment Agency have to review consents that might damage European sites but were granted before the sites were protected. This includes, for example, planning permissions that have not yet been carried out and ongoing consents to abstract water or to discharge effluents. If the permission is eventually modified or revoked, the authority may have to pay compensation in some cases. Completed developments are not affected by this review.

If you intend to carry out permitted works under General Development Order rights (where specific planning permission is not normally required) that could affect a European site, you should get advice from Natural England before starting work. You may need written approval from your local planning authority. If the land is in an SSSI, you may also need Natural England's consent. You may be able to appeal against a refusal, modification or revocation of a consent.

Marine areas

A number of European sites in England include areas of the sea and foreshore. These are called European marine sites and they protect a range of seabed habitats along with marine species such as dolphins, seals and seabirds. In these areas, Natural England works with various maritime authorities to ensure that activities under their control are managed to protect the important wildlife. Management schemes can be developed in consultation with a wide range of interested parties. Some types of marine activity are not subject to planning controls but require other types of statutory consent. The authorities responsible are governed by very similar requirements as outlined above in relation to planning controls.

Wetlands of International Importance - Ramsar sites

A number of areas in England are designated under the International Wetlands Convention and known as Ramsar sites (after the town in Iran where the convention was signed in 1971). Although not subject to the same legal protection as Natura 2000 sites, they are of international importance and it is UK Government policy that Ramsar sites should have the same level of protection as SPAs and SACs. Virtually all Ramsar sites in England are also designated as European sites and SSSIs.

For further information

Contact the Technical Advice & Designation Team, Natural England, **3rd Floor, Touthill Close, City Road, Peterborough, PE1 1UA**. Tel: 0845 600 3078

email: enquiries@naturalengland.org.uk, or your local Natural England office, details of which are available on the Natural England website www.naturalengland.gov.uk.

The Natural England website also has information about the Natura 2000 and Ramsar sites in England.

Information on all the UK's Natura 2000 and Ramsar sites is available from the JNCC at www.jncc.gov.uk. Information on Natura 2000 in Europe is available at http://ec.europa.eu/environment/nature/natura2000/index_en.htm

Information about the international wetlands - Ramsar - convention is available at www.ramsar.org