



Llywodraeth Cymru
Welsh Government

PUBLICATION

Duty to protect, conserve and restore European sites

Competent authorities must take action to help protect, conserve and restore the protected habitats and species of European sites.

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Applies to: England and Wales

Competent authorities are:

- public bodies, such as the local authority, the Environment Agency, Forestry England and Inshore Fisheries and Conservation Authorities
- the statutory nature conservation bodies (SNCBs) - Natural England and Natural Resources Wales (NRW)
- statutory undertakers, such as a water company, port authority, energy provider
- ministers or departments of government
- anyone holding public office, such as members of planning committees or councillors

This guide applies to the following European sites:

- Special Protection Areas (SPAs)
- Special Areas of Conservation (SACs)

It includes their inshore waters within 12 nautical miles of the coast.

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Duty to conserve European sites

As a competent authority, you have a duty to help protect, conserve and restore European sites. The duty applies when you:

- manage a site that you own or occupy
- take decisions that might affect a site
- get asked by a third party to use your powers to protect a site
- carry out your statutory work affecting a site

If you can take action but you decide not to, you should be able to give clear and proper reasons why you have made that decision. You may be asked to give reasons by the SNCB, government or third party.

You have a duty to consider how you can help to:

- protect, conserve or restore the designated features of the site to meet their [conservation objectives](#meet-conservation-objectives)
- prevent the deterioration of the site's habitats from human activity or natural changes, including habitats that support designated species
- prevent significant disturbance of the site's designated species from human activity or natural changes

Work with other competent authorities

You may need to work with other competent authorities in your area and coordinate the use of your powers to protect, conserve or restore a site.

Duty for sites of special scientific interest

European sites on land will also be sites of special scientific interest (SSSI). When the site, or any part of it, is a SSSI, you also have other duties for the site. Read the [guidance on public body responsibilities for a SSSI](#).

When you need to do a habitats regulations assessment

If a plan or project might impact on the features of a European site you must carry out a habitats regulations assessment (HRA). The HRA helps you decide if a plan or project can go ahead or not. It applies to your own proposals, and those you need to authorise. Read the [guide on how to carry out an HRA](#).

Meet conservation objectives

You are expected to help achieve a European site's conservation objectives.

The SNCBs have published conservation objectives for each site:

- [England: conservation objectives](#)
- [Wales: conservation objectives](#)

You must consider the site's conservation objectives when you:

- develop, propose or assess an activity, plan or project that may affect the site
- identify measures to protect and conserve the site

You must also consider any supplementary advice and case-specific advice given by the SNCB.

The site's conservation objectives help you understand what you need to do to:

- conserve the site
- restore the site
- prevent deterioration or significant disturbance of its qualifying features

By meeting the objectives, the site will contribute to favourable conservation status (FCS) for that species or habitat type at a UK level.

The conservation status of a natural habitat is favourable when:

- its natural range and area are stable or increasing
- the processes that maintain the structure and function of the habitat are likely to continue on a long-term basis

- its typical species are stable or improving

The conservation status of a species is favourable when:

- the population is maintaining itself on a long-term basis
- the natural range of the species is stable or improving
- its habitat is stable or improving and can support the species on a long-term basis

Identify when you need to take action

You must consider how you can use your statutory powers to help European sites meet their conservation objectives. These actions are known as conservation measures.

When you consider what conservation measures may be necessary, you need to:

- anticipate the likely harm an activity may do to a site from human activity or natural processes
- look for evidence of deterioration or disturbance
- consider how your own decisions might affect a site's conservation objectives

You must not wait until a site is harmed to put conservation measures in place.

Anticipate likely harm

Past or existing activities may have a negative effect on a site now or in the future. For example, fishing, agriculture or recreational activities. You may need to use your powers to restrict, stop or change those activities. This can include activities taking place on the site and outside a site's boundary.

You should try to prevent harm to a site from natural catastrophes. For example, consider what you can do to reduce:

- flood risk in heavy rainfall

- fire risk in periods of drought

Natural changes may affect a site. For example, the invasion of trees and scrub onto heathland, grassland or sand dunes. You may need to stop this happening if it's harming the designated features of a site that you manage or can help to manage.

You could get advice from:

- an ecologist to help you anticipate likely harm
- the SNCB about the risk of harmful changes and how you could help protect the site

Look for signs of deterioration or disturbance

You need to look for signs of deterioration or disturbance at European sites that you're responsible for.

Deterioration of a site may:

- cause it to lose its essential ecological characteristics
- reduce the size or quality of its habitats
- weaken its ability to maintain its designated species, such as conditions for breeding

Disturbance on a site may cause a:

- decline of the species on it
- reduction in the range of a species

You could get ecological advice or ask the SNCB to tell you about any signs of deterioration or disturbance on your sites.

Put conservation measures in place

You must consider introducing appropriate conservation measures if you:

- can help conserve or restore a site
- have found deterioration or disturbance or a risk of it occurring

These measures will help you protect and conserve the site and meet the conservation objectives.

You may need to take conservation measures outside the boundary of the site, or across sites. For example, when:

- fishing affects marine sites
- species of a site, such as birds and mammals, move around and use habitats outside the site

Conservation measures must be flexible to respond to changing conditions, such as:

- changes over time to the status of habitats or species protected on the site
- new threats to the site's features
- new ecological information about the site
- local cultural, social and economic needs

Conservation measures must be:

- positive and proactive measures
- based on the ecological requirements of the site's designated features
- able to remain in place for as long as they're needed

You can use your powers to make conservation measures, for example:

- change how an activity is carried out on or near the site
- change or withdraw consents or permits you've given at the site
- take enforcement action against someone carrying out a harmful activity
- repair any damage caused to a site

When you consider introducing conservation measures you should use the:

- site's **conservation objectives**

- site's **management statements for a SSSI in England**
- site's **management statements for a SSSI in Wales**
- **site improvement plan** for a site in England
- **core management plan** for a site in Wales
- **prioritised action framework** for all European sites in the UK

Get help and advice

The SNCBs can give advice on how to protect, conserve and restore European sites.

Contact Natural England for help in England.

Contact NRW for help in Wales.

About this document

This document is a copy of the web page [Duty to protect, conserve and restore European sites](#) downloaded.

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