



Llywodraeth Cymru
Welsh Government

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PUBLICATION

Cross compliance: conservation of fauna and flora (SMR 3) (2023)

Summary of the rules if you have land designated as a Site of Special Scientific Interest (SSSI) or a Special Area of Conservation (SAC).

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Introduction

The aim of these requirements is to safeguard nationally and internationally important habitats and to protect fauna and flora.

Main requirements

For all land:

- Wild plants listed as 'European protected species' or 'nationally protected species' e.g. bluebells etc. must not be deliberately picked, collected, cut, uprooted or destroyed (European species with protection are listed in Schedule 5 of **The Conservation of Habitats and Species Regulations 2010 (legislation.gov.uk)** (<https://www.legislation.gov.uk/uksi/2010/490>) (The Conservation of Habitats and Species Regulations 2010 (legislation.gov.uk)) and nationally (UK) species with protection are listed on Schedule 8 of **Wildlife and Countryside Act 1981 (legislation.gov.uk)** (<https://www.legislation.gov.uk/ukpga/1981/69>)).
- Wild animals listed as 'European protected species' or 'nationally protected species' must not be disturbed, killed or injured and their places of shelter must not be damaged, destroyed or obstructed (European protected species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010 and nationally protected species are listed on Schedule 5 of the Wildlife and Countryside Act 1981).

For land designated as a Site of Special Scientific Interest (SSSI), or proposed SSSI, or Special Area of Conservation

(SAC):

- Natural Resources Wales (NRW) must be notified in advance and in writing of any proposal to carry out, cause or permit a specified operation likely to damage the scientific interest of a SSSI/SAC.
- Written consent from NRW is required before starting any specified operation on a SSSI/SAC that is listed as likely to damage the special interest of the site. Examples include cutting and topping of vegetation, mowing, burning, draining, ploughing or other cultivations (e.g. harrowing), application of fertiliser and/or lime, spraying (including spot spraying), felling of trees, removal of dead wood and changes to stocking and stock feeding patterns. If consent is obtained then all work must be carried out in accordance with any conditions specified in the consent.
- Any Management Notice or Agreement served by NRW which is concerned with special interest features of the SSSI/SAC must be fully complied with.
- The terms of any Restoration Order served by a Court concerned with special features of the SSSI/SAC must be fully complied with.
- As an owner you must inform NRW of any changes to ownership, tenancy or lease within 4 weeks of the change taking place.

A breach has occurred if:

- Any of the special interest features of the site have been intentionally or recklessly damaged or destroyed, or any protected fauna/flora that are a special interest feature are disturbed (this requirement can also apply to actions that take place other than on the SSSI/SAC itself but which have the same consequences).

Field checks

- Check that any specified operations being carried out on a SSSI/SAC are taking place in accordance with the written consent of NRW.
- Check to see if places of shelter or breeding places of protected animals have been obstructed, damaged or destroyed.
- Check for signs that any protected animal has been disturbed, killed or injured illegally.
- Check to see if any protected plant has been deliberately picked, collected, cut, uprooted or destroyed.

Good practice

- Comply with any agri-environment agreement.
- Comply with all management notices served by NRW.
- Many sites designated SAC are also SSSIs and Special Protection Areas (SPAs); therefore they must comply with all conditions relating to these designations (SMR 2)

Further information

For further information please contact:

- Natural Resources Wales

or see [Cross compliance: useful contacts \(2022\)](https://gov.wales/cross-) (<https://gov.wales/cross->

[compliance-useful-contacts-2022](#)) factsheet within this pack.

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